

**SELECT**  
**REVIEWS OF LITERATURE,**  
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FROM THE EDINBURGH REVIEW.

Speeches of Lord Erskine, when at the Bar, on Miscellaneous Subjects.  
8vo. pp. 248. Ridgeway, London. 1812.

IT is now a considerable time since we called the attention of our readers to the very interesting and important publication of which this volume forms the sequel. The opinions then expressed, although known to be those entertained by the enlightened profession of which Lord Erskine was the chief ornament, have, as might be expected from party violence and ignorance, encountered some opposition;—chiefly, however, among persons at a distance from the theatre where his talents were displayed, and not the most capable, in other respects, of forming a sound judgment on such subjects. The remarks which we made on the political persecutions of 1794, have been also attacked; and, as might be expected, with some bitterness, by the few remaining adherents of the system,—and the supporters of those weak and contemptible politicians who are seeking to remove the worst enemy they have to contend with—popular discussion—by reviving the measures formerly pursued against the liberty of the press. Having now had some leisure for maturely weighing both branches of the subject,—the merits of the orations in question, and the character of the measures of 1794,—and having had ample opportunities of observing the way in which those topics are canvassed by such as are competent to handle them, we have no hesitation in avowing, that our sentiments remain wholly unchanged. Not a word have we heard derogatory to the warm and unbought applause extorted from us by the great services which Lord Erskine has rendered to the cause of liberty; and we fancy that all who have had time to study the speeches,

now go along with us in the tribute of admiration paid to their transcendent merits. Indeed there seems but one voice upon the matter. We heard some time ago of an exception or two, the particulars of which have escaped us ; but we believe there was a newspaper written in the Scottish tongue, in some remote part of the country, which professed an inability to understand the beauties of the composition, possibly from ignorance of the language in which the speeches were delivered : and it was said, that an attorney, somewhere in Scotland, (and most likely from the same cause), was greatly offended at our praise of the speech for Stockdale, which he professed an inability to enter into ;—but was confident the best '*Session papers*' were very different things. With these slight exceptions, we take the opinion of the country, and of every part of the world where the language is understood, to be that of the most unbounded admiration of these exquisite specimens of judicial oratory,—and of great obligations to the editor of the collection.

Those obligations are now considerably increased by the publication of the present volume, which contains some speeches less known to the world, because upon subjects of a private nature ; but not at all inferior in oratorical merit to the finest of Lord Erskine's performances in State Trials. It is with great delight that we revert to so interesting a task as that of tracing the skill and genius of a first-rate orator, and of holding up his exertions for the instruction of those who may feel within themselves one of the noblest passions of our nature—love of the fame to be acquired, and the gratification to be felt, in wielding the feelings of a popular assembly ;—a passion only second to that of which Lord Erskine too holds forth so bright an example—the love of earning that fame by the services which, in a free country, eloquence may render to the rights of the people, and the best interests of mankind.

This volume contains seven speeches of Mr. Erskine ; three of which are on trials of a public nature—the speech for Hadfield, that for the Madras Council, and that for Cuthell. The other four are speeches in private actions ; two in cases of adultery, one in an action for breach of promise of marriage, and one in the Bishop of Bangor's case. There is a circumstance, unavoidable perhaps, but greatly to be lamented, in the publication of the two speeches in cases of seduction ; we mean the pain which a revival of such discussions must give to the feelings of the parties and their families. The publicity of their story inflicts some of the most acute of the sufferings arising from such transactions at the time ; and it is painful to think how severely the same feelings must be wounded by the revival of the subject at a distance of time, when those may have become capable of being



wounded, over whose happily tender years the first blast of evil fame had passed innoxious. For this serious evil we fear there is no remedy ; yet we do not the less regret it ; and, in alluding to the cases in question, and quoting passages, we shall carefully abstain from mentioning names, that we may not have to reproach ourselves with spreading the mischief.

The speech for Hadfield contains one of the most sound and able disquisitions on the subject of insanity, as matter of defence against a criminal charge, that is any where to be found. Indeed, we view it as a peculiarly important addition to legal learning, and as going far to settle the question within what limits this defence shall be available. Most of our readers must recollect the singular transaction which gave rise to it. We prefer recalling it to the minds of such as do not, in the words of Mr. Erskine's exordium ; for they convey a lesson as well as a narrative of the fact.

“ The scene which we are engaged in, and the duty which I am not merely *privileged*, but *appointed* by the authority of the Court to perform, exhibits to the whole civilized world a perpetual monument of our national justice.

“ The transaction, indeed, in every part of it, as it stands recorded in the evidence already before us, places our country, and its government, and its inhabitants, upon the highest pinnacle of human elevation. It appears, that upon the 15th day of May last, his Majesty, after a reign of forty years, not merely in sovereign *flower*, but spontaneously in the very hearts of his people, was openly shot at (or to all appearance shot at) in a public theatre in the centre of his capital, and amidst the loyal plaudits of his subjects, YET NOT A HAIR OF THE HEAD OF THE SUPPOSED ASSASSIN WAS TOUCHED. In this unparalleled scene of calm forbearance, the king himself, though he stood first in personal interest and feeling, as well as in command, was a singular and fortunate example. The least appearance of emotion on the part of that august personage, must unavoidably have produced a scene quite different, and far less honourable than the Court is now witnessing ; but his Majesty remained unmoved, and the person *apparently* offending was only secured, without injury or reproach, for the business of this day.” p. 5.

He then describes the peculiar indulgences which our treason laws extend to the accused ; in so much that he who, for an attack upon the meanest individual, would be hurried away to trial, without delay, or counsel, or knowledge of witnesses, or of jurors, or of charges, is, when charged with a murderous design against the sovereign of the country, ‘ covered all over with the armour of the law ;’—a distinction which, when soberly considered, we may in passing remark, affords praise to the English law of treasons, at the expense of the other branches of criminal ju-

risprudence. Mr. Erskine, pursuing the topic, enters upon a train of reflexions, which, we think, all will acknowledge to be profound, who are not resolved to call every thing shallow and empty, which they are forced to admit is beautiful and brilliant.

"Gentlemen, when this melancholy catastrophe happened, and the prisoner was arraigned for trial, I remember to have said to some now present, that it was, at first view, difficult to bring those indulgent exceptions to the general rules of trial within the principle which dictated them to our humane ancestors in cases of treasons against the political government, or of *rebellious* conspiracy against the person of the king. In *these* cases, the passions and interests of great bodies of powerful men being engaged and agitated, a counterpoise became necessary to give composure and impartiality to criminal tribunals; but a *mere murderous* attack upon the king's person, not at all connected with his political character, seemed a case to be ranged and dealt with like a similar attack upon any private man.

"But the wisdom of the law is greater than any man's wisdom; how much more, therefore, than mine! An attack upon the king is considered to be parricide against the state; and the jury and the witnesses, and even the judges, are the children. It is fit, on that account, that there should be a solemn pause before we rush to judgment: and what can be a more sublime spectacle of justice than to see a statutable disqualification of a whole nation for a limited period, a fifteen day's *quarantine* before trial, lest the mind should be subject to the contagion of partial affections!"\* p. 6, 7.

He now enters upon the subject, and cites the authorities of our great criminal lawyers, especially Lord Hale, as establishing the rule, that it must be a total and not a partial insanity which shall excuse. The rule, however, is of difficult application; and Lord Hale himself has admitted it when he says, that it is very difficult to define the invisible line which divides perfect and partial insanity; and adds, 'it must rest upon circumstances, duly to be weighed and considered both by judge and jury, lest on the one side there be a kind of inhumanity towards the defects of human nature; or, on the other side, too great an indulgence given to great crimes.' The arguments of Mr. Erskine are addressed to the proper means of applying this rule; and they are, in our humble apprehension, equally ingenious and satisfactory. He first admits, that there is a material difference between the application of it to civil and to criminal cases. In the former, the law will justly avoid a man's act, if he be proved to be *non compos mentis*, although the act in question cannot be referred to the peculiar impulse of the malady; or even, though to all *appearance* it may be separate from it, provided only it be shown,

\* There must be fifteen days between arraignment and trial.



that, at the time of doing the civil act, he was not of sound mind. But, in judging of a criminal act, some connexion must always be traced between the act and the delusion under which the person labours;—it must appear to flow from that delusion. Here Mr. Erskine clears away a misapprehension of the phrase *total insanity*, or *total deprivation of mind and understanding*, as used by Lord Coke and Lord Hale. ‘If,’ says he, ‘a *TOTAL deprivation of memory* was intended by these great lawyers to be taken in the *literal* sense of the words;—if it was meant, that, to protect a man from punishment he must be in such a state of prostrated intellect as not to know his name, nor his condition, nor his relation towards others—that, if a husband, he should not know he was married; or, if a father, could not remember that he had children; nor know the road to his house, nor his property in it—then no such madness ever existed in the world. It is *IDIOTCY* alone which places a man in this helpless condition; where, from an *original* mal-organization, there is the human frame alone without the human capacity. But in all the cases which have filled Westminster Hall with the most complicated considerations—the lunatics, and other insane persons who have been the subjects of them, have not only had memory, *in my sense of the expression*—they have not only had the most perfect knowledge and recollection of all the relations they stood in towards others, and of the acts and circumstances of their lives, but have, in general, been remarkable for subtlety and acuteness.’—‘These,’ he adds, ‘are the cases which frequently mock the wisdom of the wisest in judicial trials; because such persons often reason with a subtlety which puts in the shade the ordinary conceptions of mankind; their conclusions are just and frequently profound; but the *premises from which they reason*, WHEN WITHIN THE RANGE OF THE MALADY, are uniformly false:—not false from any defect of knowledge or judgment; but because a delusive image, the inseparable companion of real insanity, is thrust upon the subjugated understanding, incapable of resistance, because unconscious of attack.’ The doctrine contended for is clearly expressed, and with a singular felicity of diction too, in the following passage:

“*Delusion*, therefore, where there is no frenzy or raving madness, is the true character of insanity; and where it cannot be predicated of a man standing for life or death for a crime, he ought not, in my opinion, to be acquitted; and if courts of law were to be governed by any other principle, every departure from sober, rational conduct, would be an emancipation from criminal justice. I shall place my claim to your verdict upon no such dangerous foundation.—I must convince you, not only that the unhappy prisoner was a lunatic, within my own definition of lunacy, but that the act in question was the *IMMEDIATE, UNQUALIFIED OFFSPRING OF THE DISEASE*. In *civil* cases, as I have

already said, the law avoids every act of the lunatic during the period of the lunacy ; although the delusion may be extremely circumscribed ; although the mind may be quite sound in all that is not within the shades of the very partial eclipse ; and although the act to be avoided can in no way be connected with the influence of the insanity :—But, to deliver a lunatic from responsibility to *criminal* justice,—above all, in a case of such atrocity as the present, relation between the disease and the act should be apparent. Where the connexion is doubtful, the judgment should certainly be most indulgent, from the great difficulty of diving into the secret sources of a disordered mind ;—but still, I think that, as a doctrine of law, the delusion and the act should be connected. I cannot allow the protection of insanity to a man who only exhibits violent passions and malignant resentments, acting upon *real circumstances* ; who is impelled to evil from no morbid delusions ; but who proceeds upon the ordinary perceptions of the mind.—I cannot consider such a man as falling within the protection which the law gives, and is bound to give, to those whom it has pleased God, for mysterious causes, to visit with this most afflicting calamity. He alone can be so emancipated, whose disease (call it what you will) consists, not merely in seeing with a prejudiced eye, or with odd and absurd particularities, differing, in many respects, from the contemplations of sober sense, upon the actual existences of things ; but, *he only* whose whole reasoning and corresponding conduct, though governed by the ordinary dictates of reason, proceed upon something which has no foundation or existence.

“ Gentlemen, it has pleased God so to visit the unhappy man before you ;—to shake his reason in its citadel ;—to cause him to build up, as realities, the most impossible phantoms of the mind, and to be impelled by them as motives *irresistible* : the whole fabric being nothing but the unhappy vision of his disease—existing no where else—having no foundation whatsoever in the very nature of things. p. 17, 19.

He adds a refutation, after dwelling at some length on the present case, of a proposition, much too vaguely broached by reasoners on this subject, that every person ought to be responsible for crimes who has the knowledge of good and evil.

“ Let me suppose that the character of an insane delusion consisted in the belief that some given person was any brute animal, or an inanimate being, (and such cases have existed), and that upon the trial of such a lunatic for murder, you firmly, upon your oaths, were convinced, upon the uncontradicted evidence of an hundred persons, that he believed the man he had destroyed, to have been a potter’s vessel ; that it was quite impossible to doubt that fact, *although to all other intents and purposes he was sane* ; conversing, reasoning, and acting, as men not in any manner tainted with insanity, converse, and reason, and conduct themselves : suppose further, that he believed the man whom he destroyed, but whom he destroyed as a potter’s vessel, to be the property of another ; and that he had malice against such supposed person, and that he meant to injure him, knowing the act he was doing to



be malicious and injurious, and that, in short, he had full knowledge of all the principles of good and evil; yet would it be possible to convict such a person of murder, if, from the influence of his disease, he was ignorant of the relation he stood in to the man he had destroyed, and was utterly *unconscious* that he had struck at the life of a human being? I only put this case, and many others might be brought as examples to illustrate, that the knowledge of good and evil is too general a description." p. 24.

The case of Hadfield was brought within the law thus laid down, by evidence of his having been most severely wounded in service, so as to make him at times wholly insane;—that he laboured under a delusion of a peculiar cast, being firmly persuaded he was to save mankind by dying a violent death;—yet that this death must be inflicted without the guilt of suicide;—that he had recently attempted to kill his infant child, of which he was in general passionately fond;—and that his whole demeanour and conversation had been those of a most loyal subject, attached with peculiarly zealous feelings to the family and service of the king. It is said that Lord Kenyon, who presided at the trial,\* appeared much against the prisoner while the evidence was giving for the crown; but when Mr. Erskine had stated the principle upon which he grounded his defence, and when his Lordship found that the facts came up to the case opened for the prisoner, he delivered to the Attorney-General the opinion of the Court, that the case should not be proceeded in: So there was a verdict of acquittal, without any reply for the Crown.

The speech for the Madras Council was delivered soon after Mr. Erskine came to the bar, on an occasion which excited unexampled interest in those days of quiet, when the world was unaccustomed to great and strange events,—the arrest of Lord Pigot, in consequence of a misunderstanding between him and his Council. They were prosecuted at the desire of the House of Commons, and convicted; but when brought up for judgment, after Mr. Dunning, Mr. Erskine, and others, had been heard in mitigation, they were only sentenced to pay a fine of one thousand pounds, which was considered, and most justly, as a very lenient punishment. We abstain from entering further into the subject of this speech, because it is so similar to the late proceedings in the East, and in some of our other foreign settlements, that we prefer reserving the subject for a more regular and ample consideration. This speech is now published for the first time; and though from almost any other quarter it would excite no little admiration, we look upon it as one of the least brilliant of Mr. Erskine's exhibitions, and by no means the shortest.

\* It was a trial at bar in the Court of King's Bench.

The last speech on a public trial contained in this volume, is the defence of Mr. Cuthell; against whom an indictment for a libel had been preferred, in circumstances of so peculiar a nature, that we are extremely glad to find the case recorded. The interest it excites is closely connected with the topics of the present day, and the attacks which ill-advised men are making upon the liberty of the press. We must, therefore, enter somewhat at large into the case.

Mr. Cuthell was an eminent bookseller, who dealt entirely in works upon literary subjects, being chiefly, if not altogether, a publisher of classical books. As such, he had been selected by Mr. Gilbert Wakefield to publish the various editions of classics and other books, particularly on theological subjects, with which he enriched the republic of letters. In 1798, the bishop of Landaff (Dr. Watson) published an address to the people on the subject of an apprehended invasion: exhorting them to defend their country, to be loyal towards their king, and to love the constitution;—expounding to them how disagreeable a thing conquest is, and what risks attend revolutions, and above all French revolutions;—and recommending a *new* plan of finance, the details of which we have forgotten, as we presume every body else has, except one;—but the general purport was, to pay off some hundreds of millions of public debt by levying taxes on the capital of the country. This project was pretty universally ridiculed at the time, and might have been safely left to its fate. The rest of the work was, if not quite so original, at least a good deal sounder; and one should have thought no man so squeamish as to object to a bishop for preaching up the usual doctrine of rallying for the defence of the state. Mr. Wakefield, however, thought otherwise; and was so ill-advised as to throw away time, which might have been so admirably and usefully employed in expounding the classics and the scriptures, upon a political controversy. He wrote a pamphlet in answer to Dr. Watson, abounding indeed with point and wit,—in some parts sufficiently argumentative—in many very triumphant,—but touching upon very tender ground in other passages, and conceived by the government to have a tendency hostile to the peace of the community, and unfavourable to the defence of the country. Mr. Wakefield, for example, pointed out the oppressions under which the people suffered, from the war and the taxes, and the novel restraints imposed on civil liberty. The ministers conceived, that this would excite discontent, and indispose the people to resist the enemy. For they reasoned thus. It is true, said they, there is no foundation for all this—the war does not press heavily upon the country,—it has only lasted for five years and a half—distressing not more than from thirty to forty thousand men, and crippling about a score thousands more,



at the outside; and then, if we have gained by it nothing of what we expected, we have at least got a few unwholesome and useless islands, which we never counted upon; and, at any rate, we have lost not an inch of territory, whatever our allies may have done. And as for taxes—what signify taxes! They only press upon the rich—the poor are quite well off—every thing is as cheap as it ought to be, if not as it has been;—and those who can't afford to live, may die, or come upon the parish. All this we know, said the ministers, and the people feel it;—they are quite easy, comfortable, and happy. But what signifies the evidence of facts? What though a man knows that he is as well off as possible? If Mr. Gilbert Wakefield is permitted to tell him that war and taxes have ground him down, there is no doubt that he will be believed, in spite of the evidence of sense and memory to the contrary—it being quite plain the perusal of a *pamphlet* is the only means by which a man can discover whether he is hungry and cold or not: Therefore, if such publications—such *false* and scandalous writings, are allowed to be read, we shall have the whole country convinced that bread is ten shillings a pound, and that no man has a farthing in his pocket.

Such was the reasoning of the government; and it is said that there were foolish people in those days, who suggested the possibility of answering Mr. Wakefield; arguing, weakly enough, that a single man, clearly on the wrong side of the question, might be refuted by the united exertions of all the rest of the community who were on the side of truth. But the ministers held such doctrines to be almost as bad as the seditious work itself,—contending, that nothing can be more dangerous than reasoning and answering in such cases: For, said they, what though Mr. Wakefield is in the wrong, and is known by every body to be so? What though he is the only person who holds such doctrines? and what though there is not a man in the whole church, or out of it, who could not refute his pamphlet in a moment—and what though we have the whole truth on our side? Shall a government defend itself by argument? Then why have Attorney-generals and prisons?—So, such suggestions were overruled; and it was resolved to prosecute.

Mr. Wakefield had caused his work to be printed by a Mr. Hamilton, and sold by Mr. Johnson, the late respectable and independent bookseller in St. Paul's Church-yard: But he had sent a few copies to Mr. Cuthell's, who conceiving the work to be on a theological topic—for Mr. Wakefield had never written before on any other than classical and theological points, and Mr. Cuthell knew that Dr. Watson had engaged in theological controversy—sold several of the pamphlets, before he had the most remote guess that he was selling a political tract. As soon as he was in-

formed that it was of this description, he immediately discontinued the sale of it. In the first place, Mr. Johnson and another bookseller were prosecuted and convicted for publishing it. This, however, not being deemed a sufficient refutation of the doctrines contained in it, the arguments of the Bishop of Llandaff were to be defended by prosecuting the author; but in order to make the answer complete, and that no part of the Bishop's work might be left unsupported, and no iota of Mr. Wakefield's positions go without a full exposure, it was deemed expedient to prosecute Mr. Cuthell also;—for he had sold one or two copies, mistaking it for a treatise on the middle voice, or the disputed passage in St. John.

Accordingly, Mr. Cuthell and Mr. Wakefield were tried on the same day; and Mr. Cuthell's case came on first. From what has been stated, it will appear that Mr. Erskine had here a different kind of point to urge, from any of those which generally bear upon cases of libel. With the libellous or innocent nature of the work, he professed that he had little concern:—Mr. Wakefield, its author, who appeared in Court to defend himself, was to treat that question, as more directly interested in it. The defence of Mr. Cuthell rested on his entire ignorance of the book he was selling, nay, of the subject on which it treated; and this ignorance he was to substantiate by evidence. Here, then, arises a question of no small importance, and rendered of more difficulty than naturally belongs to it, by the attempts made to confound it—Whether an act of publication shall be held *of itself* to fix the publisher with responsibility for the contents of the work? or, in other words, whether publication be conclusive evidence of a knowledge of those contents—such evidence as creates a presumption of law, not to be rebutted by contrary proof, and leading to an inference which overrules all considerations of fact whatever?

In civil cases, such presumptions are of necessity extremely common. Without entering into the principles upon which they are founded, we may mention an example or two. The liability of the owners of public carriages for the damage arising from the carelessness of their servants,—and the general liability of a person for the acts (*quoad civilem effectum*) of his agent, to the extent to which he has given him authority, as to be bound by his undertakings, and to release, by his acquittance, those bound to him—the liability of a husband for the debts of his wife, and for damages occasioned by illegal acts committed by her, though without his privity—the liability of a master to make good the losses occasioned to the property or persons of others by certain negligent uses of his own property, as his horses or carriages. These, and a variety of other cases, are undeniable instances in which a person is held answerable in his own property for inju-



ries done to the persons and properties of others, and is precluded, by presumption of law, from averring his own unconcern in, or ignorance of the act which is to bind him. The meaning of all this is simply, that the law requires a certain degree of care in the choice of a servant or agent, and a certain superintendence over his conduct in that capacity; to enforce which, and to relieve the party suffering from the absence of it, the burthen of repairing the injury occasioned by the deficiency is thrown upon the principal. But, in no one instance, except in that of publishing a libel, has an attempt ever been made to extend this civil responsibility, and to make a man liable to punishment as a criminal, as a malicious and wicked person, for the act of a servant, performed without his assistance or knowledge.

Now, it is not denied, that even in this case, a certain responsibility may safely, and should in justice, be thrown upon the principal. In the first place, he is liable civilly in damages for the publication, beyond all doubt, and ought to be so. But, again, he is to be taken as privy to, and answerable even criminally for the act of publication by his servant, unless he shall make out a case of ignorance and real disconnexion with the act. The act of publication by the servant is admitted to be *primâ facie* evidence against his master: but it is maintained to be only a presumption of fact, which opposite proofs may rebut. We would even, from the peculiar nature of the case, go one step farther, and allow of a certain penalty attachable to the master, in the event of his servant having, though unknown to him, committed the act of publication—a penalty incurred by the master's negligence, where due caution was required of him, but of a much lower nature than the penalty incurred by a wilful and malicious publication. Let there, in short, be a count in the indictment or information charging a culpable negligence only, through which the injurious publication took place. This will then be put in issue, as well as the grave offence; and the verdict will describe, upon the face of the record, distinctly, that kind of delinquency of which the defendant has been found guilty. At present, and as long as judges are in the practice of directing juries to find general verdicts of guilty, merely upon evidence of publication by a servant, the charge making no distinction, the record does not show which of two offences, in their nature wholly different—the one a grave, the other a very slight offence—has been committed.

Now, by the concessions here made, let it be observed, that we still place the crime of libel in a very different situation from any other; because we continue to fix the principal with a certain criminal responsibility. An apothecary sells poisons as well as healing drugs;—indeed, many of his finest drugs are poisonous, beyond the proper dose: He employs a shopman or a shop-

boy, who, to raise the question still more clearly, shall be supposed extremely negligent and ignorant, and by his mistake half a family lose their lives. Here, there is no one criminally answerable at all: But if the shopman wilfully poisons half his customers—nay, taints with deleterious drugs the springs which supply a whole city, and is thus guilty of the foulest of crimes, the master is not in the smallest degree responsible, but the actual offender shall suffer. The vender of books, however, is very differently treated. Not content with punishing the author, and the printer, and the actual publisher—the shopman who knowingly circulates a libel—we exact the same punishment from his master, how impossible soever it may be that he ever should have heard of the work. This is the law, as public prosecutors now contend for it; and even we, who would mitigate this strange severity, and soften down somewhat of these gross anomalies, are fain to admit, that the general negligence of the bookseller, in choosing a shopman, should make him punishable in a way in which the apothecary is never attempted to be dealt with, whose servant has poisoned a whole city;—though in truth it might well be asked, why the liability of the servant himself would not be sufficient in the case of the bookseller, as well as that of the druggist? Further, we are content to admit, that the burthen of proving a negative should rest on the bookseller; the act of his servant being *primâ facie* evidence of his master's privity. But here, again, even we, who are for relaxing the present rules, go beyond the measure of strictness applied by the law in all other cases. For assuredly the wilful murder of the apothecary's customers by his servant would never be sufficient to put the master on his defence: and, in such a case, it is quite certain that the prosecutor must connect him with the servant, before he can be called on to prove his ignorance. Why, then, it might be again demanded, not trust the peace and good order and allegiance of the community to the same securities which are found sufficient to protect our lives? The following passage from Mr. Erskine's speech for Cuthell puts the argument in a very plain and clear light.

“ In the case of a *civil* action throughout the whole range of civil injuries, the master is always *civiliter* answerable for the act of his servant or agent; and accident or neglect can therefore be no answer to a plaintiff, complaining of a consequential wrong. If the driver of a public carriage maliciously overturns another upon the road whilst the proprietor is asleep in his bed at a hundred miles distance, the party injuring must unquestionably pay the damages to a farthing; but though such malicious servant might also be indicted, and suffer an infamous judgment, *could the master also become the object of such a prosecution?* CERTAINLY NOT.—In the same manner, partners in trade are *civilly* answerable for bills drawn by one another, or by their agents,



drawing them by procuration, though fraudulently, and in abuse of their trusts; but if one partner commits a fraud by forgery or fictitious indorsements, so as to subject *himself* to death, or other punishment by indictment, could *the other partners* be indicted?—To answer such a question here, would be folly; because it not only answers itself in the *negative*, but exposes to scorn every argument which would confound indictments with civil actions. WHY then is *printing and publishing* to be an exception to every other human act? WHY is a man to be answerable *criminaliter* for the crime of his servant in this instance more than in all other cases? WHY is a man who happens to have published a libel, under circumstances of mere accident, or, if you will, from actual carelessness or negligence, but *without criminal purpose*, to be subjected to an infamous punishment, and harangued from a British Bench as if he were the malignant author of that which it was confessed before the Court delivering the sentence, *that he never had seen or heard of*? As far, indeed, as damages go, the principle is intelligible and universal; but as it establishes a crime, and inflicts a punishment which affects character and imposes disgrace, it is shocking to humanity and insulting to common sense.—The Court of King's Bench, since I have been at the Bar (very long, I admit, before the Noble Lord presided in it, but under the administration of a truly great Judge), pronounced the infamous judgment of the pillory on a most respectable proprietor of a newspaper, for a libel on the Russian Ambassador, copied too out of another paper, but which *I myself* showed to the Court, by the affidavit of his physician, appeared in the *first* as well as in the *second* paper, whilst the defendant was on his sick-bed in the country, delirious in a fever. I believe that affidavit is still on the files of the Court.—I have thought of it often—I have dreamed of it, and started from my sleep—sunk back to sleep, and started from it again. The painful recollection of it I shall die with.—How is this vindicated? From the *supposed* necessity of the case.—An indictment for a LIBEL is, therefore, considered to be an anomaly in the law.—It was held so undoubtedly; but the exposition of that error lies before me; the Libel Act lies before me, which *expressly*, and in terms, directs that the trial of a libel shall be conducted like every other trial for any other crime; and that the Jury shall decide, not upon the mere fact of *printing or publishing*, but upon the whole matter put in issue, i. e. the publication of the libel WITH THE INTENTIONS CHARGED BY THE INDICTMENT.—This is the rule by the Libel Act; and you, the Jury, as well as the court, are bound by it." p. 223—225.

Indeed, that such is very nearly the doctrine of the English law, may be inferred from several *dicta* in the books, long before the libel act was passed. Not to drag the reader through a law argument, we only desire to refer him to the case of the *King and Almon*, in 5. Burr.; where Lord Mansfield held, that if a defendant called no witnesses to repel it, the guilt of publishing was to be inferred from the act of publication; but, that the publication might be excused as innocent, and justified as legal, by

circumstances established by the defendant in proof. Why there should be any repugnance to resort to such sound doctrines, we cannot conceive. Of one thing we are quite sure, that the administration of justice suffers greatly by such a confounding of different things under one and the same name, as the present practice involves. The proper degree of punishment is not meted out to guilt. Offences totally different in kind are called by one appellation, and visited with the same penalty ; and juries are obliged to violate their oaths, in order to acquit, that they may avoid a greater evil, the undue conviction, and consequent punishment, of the person accused. We trust that the legislature will take this subject into its early consideration. But we must warn the reader against supposing, that any very great security would be gained to the press, by even a complete reform of the abuse complained of. The cases are but of rare occurrence, to which the present remarks apply. The attacks on the freedom of the press come on a different quarter ; and not a single work would escape the inquisition now sought to be established on political writings, in consequence of the change which we are contemplating. It is the eagerness with which political discussions, carried on in an animated, interesting, and effectual manner, are construed into libels, that bids fair to leave us only the name of a free constitution, by destroying even the name of a free press ; and for this we know of no remedy so effectual, as the exertions of an enlightened bar, and the control which it always exercises—together with the honesty of free and bold juries. To both of those classes we would most earnestly address ourselves. Let every member of the profession which Erskine illustrated, reflect on the degraded station he must forthwith occupy, as soon as either the tyranny of the government, or the unbounded sway of the judges in political matters, shall be established. Into what insignificance he must sink—in what vile and hopeless dependence on others he must continue to exercise his talents. And if the rights of the people, and the love of his country, have no claims upon him, let him show his regard for his own character and independence, by the temperate, discreet and sober, yet manly and courageous discharge of his highest, and not his most arduous duties. But they who serve on juries should look well to the times ; their task is more important ; and each individual, in this capacity, has far more power. Let every honest and free-spirited man, when called upon to determine, whether a person shall be consigned for eighteen months or two years to a prison, well reflect on the doom to which he is handing him over ; and be fully convinced, that the work for which he is dealing out such a fate to a fellow-creature, is in reality so pernicious to society as to justify such high punishments. Let him examine it tho-



roughly with this view ; and, by the effects it produces on himself, let him judge how far it is likely to raise revolt and disaffection amongst others. If he thinks our government so firmly established in the institutions of the state, and in the affections of the people, and so well deserving their support from its general excellences, as to be in no danger from the freest discussions—let him rather leave the writings of the factious to be answered, and exposed by the well-affected, than endanger—nay destroy—the freedom of the government altogether, by assisting the blows meditated at the liberty of the press, and consigning to the greatest punishments those who have exercised that liberty.

We urge these considerations with the greater earnestness, because we are intimately persuaded that many very worthy and well-meaning persons, have suffered themselves to be led away by a groundless apprehension, propagated by interested and designing men, that serious dangers are likely to arise from what is called the licentiousness of the press ; and that the only way of counteracting the evils which unquestionably do spring up along with the fruits of its liberty (for what human production, or possession, is untainted with these ?), is to keep a rigorous watch over discussion. For our own parts, in proportion to our confidence in the excellence of the constitution, is our belief in its stability ; and we shall never consent to think its only defences are force and fear, so long as we see no reason for its dreading to be supported by fair argument. When was there a work ever published, which, if let alone, or left to be refuted by an antagonist, would have shaken the government, or even materially affected the tranquillity of the state for a single hour ? And whence arises this nameless dread of something, which no man ever saw, or could trace in its effects ? It arises from delusions practised by those who know far better. Bad rulers hate free discussion ; and profligate weak princes, and their favourites and ministers, who have not the sense to pursue a system of arbitrary measures, or to defend their schemes by putting down inquiry, are alive to the personal abuse with which they are assailed, and hate the light which exposes their ridiculous or hateful features. All this would, however, not suffice, as long as juries were the judges of libel. But the press, by being too often prostituted to the defamation of private character, loses many a friend who might help it in the day of trial, and acquires even pretty determined enemies among men, whom otherwise the arts of a corrupt government would not move from their independent principles. To persons in this predicament we chiefly address ourselves ; and implore them to consider, that they act a weak and unmanly part, in proscribing all the good, for the crimes of a few unworthy men ; and, if they will not excuse the errors of the

press—in consideration of its virtues—of the vast benefits which it has rendered the world;—if they will not bear in mind the saying of Lord Chatham, that it is, like the air, a chartered libertine; let them at least reflect on the ruin which must follow, if they sacrifice its liberty to a desire of punishing those who abuse it: and, calmly asking themselves what mighty harm a few scurrilous paragraphs can do an immense establishment, fortified all around with revenues, armies, and functionaries—let them leave those who malign our institutions, to be answered by reasoning, and by appeals to the fact;—while for those who abuse the privileges of discussion, by invading the sanctity of private character, there are just penalties prepared, which the warmest advocates of a free press would be the last to wish diminished, or repealed.

The argument in *Morton v. Ferm*, is extremely short, and only valuable on account of the principle which it illustrates. A verdict had been obtained of 2000*l.* by the plaintiff, who was formerly housekeeper to the defendant, and had cohabited with him on promise of marriage. After living with her, he had contrived to get rid of her, and married another person. In consequence of this treatment and disappointment, the plaintiff's health, as well as peace of mind, had been destroyed. The plaintiff was a widow, past the usual age of marriage; the defendant an old man; and both parties remarkably deficient in personal charms. The principle contended for by Mr. Erskine, in showing cause against a rule obtained by Mr. Wallace for a new trial on the ground of excessive damages, was, that though, in cases where the claim is regulated by pecuniary, or other contracts of a certain definite nature, or founded on damages done to property in a certain calculable shape, the Court may interfere, if the jury have gone very wide of the mark; yet, where the compensation is for an injury not definite, nor capable of being accurately computed, the jury are the fit judges of the amount, provided the case has been fairly and fully before them. This ground he maintained with success; and the rule was discharged.

We hasten to the two remaining speeches in this volume, (passing over that in the Bishop of Bangor's case as well known)—those in cases of adultery. They contain some of the finest specimens of Mr. Erskine's eloquence; and we trust we shall be able to lay a few of the passages before our readers, without being under the necessity of particularizing names. In the one, he was counsel for the plaintiff; and the defendant having suffered judgment to go by default, this address was delivered before the under-sheriff and his jury, impannelled to assess the damages, in execution of the writ of inquiry. In the other, he was counsel for the defendant at the trial in the Court of King's Bench.

Perhaps the circumstances in which the first of these speeches



was delivered, are little known to many of our readers. The majesty of English justice,—which is ample and full, while the parties are at issue, and the Court in which the record is, or the Judge to whom it is sent for trial, have the whole treatment of the cause,—sinks into rather an obscure form, when the general statement of the facts is no longer disputed, and the only remaining question between the parties relates to the amount of the compensation due. This point, frequently the most important of all, is left to the ministerial officer, or his deputy, who is generally a practising attorney, assisted by a junior barrister, and a common jury. The Court, thus constituted, meets in any room which may be provided for the purpose :—In the present case, it assembled in the King's Arms Tavern, in Palace-Yard. The first object of Mr. Erskine was, therefore, to counteract the natural effect of these circumstances, and to raise the dignity of the place, and form of procedure, by all his arts ; and he judiciously recurs to the same topic in his peroration. After describing the early intimacy, and long-continued friendship of the parties, he proceeds—

“ Yet, dreadful to relate, and it is, indeed, the bitterest evil of which the plaintiff has to complain, a criminal intercourse for nearly five years before the discovery of the connexion, had most probably taken place. I will leave you to consider what must have been the feelings of such a husband, upon the fatal discovery that his wife, and such a wife, had conducted herself in a manner that not merely deprived him of her comfort and society, but placed him in a situation too horrible to be described. If a man without children is suddenly cut off by an adulterer from all the comforts and happiness of marriage, the discovery of *his* condition is happiness itself, when compared with that to which the plaintiff is reduced. When children, by a woman lost for ever to the husband by the arts of the adulterer, are begotten in the unsuspected days of virtue and happiness, there remains a consolation ; mixed, indeed, with the most painful reflections, yet a consolation still.—But what is the plaintiff's situation ?—He does not know at *what time* this heavy calamity fell upon him—he is tortured with the most afflicting of all human sensations. When he looks at the children, whom he is by law bound to protect and to provide for, and from whose existence he ought to receive the delightful return which the union of instinct and reason has provided for the continuation of the world, he knows not whether he is lavishing his fondness and affection upon his own children, or upon the seed of a villain sown in the bed of his honour and his delight. He starts back with horror, when, instead of seeing his own image reflected from their infant features, he thinks he sees the destroyer of his happiness—a midnight robber introduced into his house, under professions of friendship and brotherhood—a plunderer, not in the repositories of his treasure, which may be supplied, or lived without,—“ *but there where*

*he had garnered up his hopes,—Where either he must live, or bear no life."* p. 176, 178.

We know not how this may please some readers, such as those few who thought our praise of the other speeches too unbounded; but to us it does appear the perfection of simple and beautiful composition. We extract the following reflections on the law as it regards this subject—but without pursuing the subject which they start; as we may have another opportunity of treating it at large.

"But there are other wrongs which cannot be estimated in money:

"You cannot minister to a *mind* diseas'd."

You cannot redress a man who is wronged beyond the possibility of redress:—the law has no means of restoring to him what he has lost. God himself, as he has constituted human nature, has no means of alleviating such an injury as the one I have brought before you. While the sensibilities, affections, and feelings he has given to man remain, it is impossible to heal a wound which strikes so deep into the soul. When you have given to a plaintiff, in damages, all that figures can number, it is as nothing;—he goes away hanging down his head in sorrow, accompanied by his wretched family, dispirited and dejected. Nevertheless, the law has given a civil action for adultery, and, strange to say, it has given *nothing else*. The law commands that the injury shall be compensated (as far as it is practicable) IN MONEY, because courts of *civil* justice have no other means of compensation THAN money; and the only question, therefore, and which *you* upon your oaths are to decide, is this—Has the plaintiff sustained an injury up to the extent which he has complained of? Will twenty thousand pounds place him in the same condition of comfort and happiness that he enjoyed before the adultery, and which the adulterer has deprived him of? You know that it will not. Ask your own hearts the question, and you will receive the same answer. I should be glad to know, then, upon what principle, as it regards the *private* justice which the plaintiff has a right to, or upon what principle, as the example of that justice affects the public and the remotest generations of mankind, you can reduce this demand even in a single farthing." p. 180, 181.

Having applied these reflexions, and brought them all to bear on his case, so as to increase the amount of damages by their assistance, he touches another string for the same purpose; and we pray our readers to mark, that, wide as he may seem to begin from the point he aims at, and largely as his fancy may appear to roam, luxuriating in the outskirts of his subject, not an idea is ever started by this great advocate, which the matter in issue could have spared, or which he does not bring round to the very object he has immediately in view; and then we find,



that it has been not merely the most pleasing train of description which he has been pursuing, but the course most directly conducive to the accomplishment of his purpose.

“ I had occasion, not a great while ago, to remark to a jury, that the wholesome institutions of the civilized world came seasonably in aid of the dispensations of Providence for our well-being in the world. If I were to ask, what it is that prevents the prevalence of the crime of incest, by taking away those otherwise natural impulses, from the promiscuous gratification of which we should become like the beasts of the field, and lose all the intellectual endearments which are at once the pride and the happiness of man? What is it that renders our houses pure, and our families innocent? It is that, by the wise institutions of all civilized nations, there is placed a kind of guard against the human passions, in that sense of impropriety and dishonour, which the law has raised up, and impressed with almost the force of a second nature. This wise and politic restraint beats down, by the habits of the mind, even a propensity to incestuous commerce, and opposes those inclinations, which nature, for wise purposes, has implanted in our breasts at the approach of the other sex. It holds the mind in chains against the seductions of beauty. It is a moral feeling in perpetual opposition to human infirmity. It is like an angel from heaven placed to guard us against propensities which are evil. It is *that* warning voice, gentlemen, which enables you to embrace your daughter, however lovely, without feeling that you are of a different sex. It is *that* which enables you, in the same manner, to live familiarly with your nearest female relations, without those desires which are natural to man.

“ Next to the tie of blood (if not, indeed, before it), is the sacred and spontaneous relation of friendship. The man who comes under the roof of a married friend, ought to be under the dominion of the same moral restraint: and, thank God, generally is so, from the operation of the causes which I have described. Though not insensible to the charms of female beauty, he receives its impressions under a habitual reserve, which honour imposes. Hope is the parent of desire, and honour tells him he must not hope. Loose thoughts may arise, but they are rebuked and dissipated—

“ Evil into the mind of God or man

“ May come and go, so unapprov'd, and leave

“ No spot or blame behind.”

“ Gentlemen, I trouble you with these reflexions, that you may be able properly to appreciate the guilt of the defendant; and to show you, that you are not in a case where large allowances are to be made for the ordinary infirmities of our imperfect natures. When a man does wrong in the heat of *sudden* passion—as, for instance, when, upon receiving an affront, he rushes into immediate violence, even to the deprivation of life, the humanity of the law classes his offence amongst the lower degrees of homicide; it supposes the crime to have been committed before the mind had time to parley with itself—But is the

criminal act of such a person, however disastrous may be the consequence, to be compared with that of the defendant?—Invited into the house of a friend,—received with the open arms of affection, as if the same parents had given them birth and bred them;—in THIS situation, this most monstrous and wicked defendant deliberately perpetrated his crime; and, shocking to relate, not only continued the appearances of friendship, after he had violated its most sacred obligations, but continued them as a cloak to the barbarous repetitions of his offence—writing letters of regard, whilst, perhaps, he was the father of the last child, whom his injured friend and companion was embracing and cherishing as his own.—What protection can such conduct possibly receive from the humane consideration of the law for sudden and violent passions? A passion for a woman is progressive—it does not, like anger, gain an uncontroled ascendancy in a moment: nor is a modest matron to be seduced in a day. Such a crime cannot, therefore, be committed under the resistless dominion of *sudden* infirmity; it must be *deliberately, wilfully, and wickedly* committed.—The defendant could not possibly have incurred the guilt of this adultery, without often passing through his mind (for he had the education and principles of a gentleman)—the very topics I have been insisting upon before you for his condemnation.—Instead of being suddenly impelled towards mischief, without leisure for such reflexions, he had innumerable difficulties and obstacles to contend with.—He could not but hear, in the first refusals of this unhappy lady, every thing to awaken conscience, and even to excite horror.—In the arguments he must have employed to seduce *her* from *her* duty, he could not but recollect, and wilfully trample upon *his own*. He was a year engaged in the pursuit—he resorted repeatedly to his shameful purpose, and advanced to it at such intervals of time and distance, as entitle me to say, that he determined in cold blood to enjoy a future and momentary gratification, at the expense of every principle of honour which is held sacred amongst gentlemen, even where no laws interpose their obligations or restraints.” p. 183, 186.

The jury gave 7000*l.* damages, supposed to be equal to the defendant's whole property.

The other speech which we proceed to notice is of the same exalted character. It was delivered in behalf of a gentleman of high family, who having been attached to a young lady of equal rank, was prevented from marrying her by the interested views of her relations, who preferred an alliance with one of the greatest houses in the kingdom. The marriage was an unhappy one: the original attachment seems never to have been replaced by any other—it revived after an interval of misery and separation—and produced the elopement which occasioned the present action. It is quite impossible, we think, for human ingenuity and eloquence to have turned those circumstances to better account than Mr. Erskine's did in this exquisite speech.

The counsel for the plaintiff having dwelt on the loss of domes-



tic happiness occasioned by the seduction, Mr. Erskine meets him here at once.

“ In order, therefore, to examine this matter (and I shall support every syllable that I utter, with the most precise and uncontrovertible proofs); I will begin with drawing up the curtains of this blessed marriage-bed, whose joys are supposed to have been nipped in the bud, by the defendant’s adulterous seduction. Nothing, certainly, is more delightful to the human fancy, than the possession of a beautiful woman in the prime of health, and youthful passion: It is, beyond all doubt, the highest enjoyment which God in his benevolence, and for the wisest purposes, has bestowed upon his own image: I reverence, as I ought, that mysterious union of mind and body, which, while it continues our species, is the source of all our affections; which builds up and dignifies the condition of human life; which binds the husband to the wife, by ties more indissoluble than laws can possibly create; and which, by the reciprocal endearments arising from a mutual passion, a mutual interest, and a mutual honour, lays the foundation of that parental affection which dies in the brutes with the necessities of nature, but which reflects back again upon the human parents, the unspeakable sympathies of their offspring, and all the sweet, delightful relations of social existence.—While the curtains, therefore, are yet closed upon this bridal scene, your imaginations will naturally represent to you this charming woman, endeavouring to conceal sensations which modesty forbids the sex, however enamoured, too openly to reveal; wishing, beyond adequate expression, what she must not even attempt to express; and seemingly resisting what she burns to enjoy. Alas, Gentlemen! you must now prepare to see in the room of this a scene of horror, and of sorrow; you must prepare to see a noble lady, whose birth surely required no further illustration; who had been courted to marriage before she ever heard even her husband’s name; and whose affections were irretrievably bestowed upon, and pledged to my honourable and unfortunate client; you must behold her given up to the plaintiff by the infatuation of parents, and stretched upon this bridal bed as upon a rack;—torn from the arms of a beloved and impassioned youth, himself of noble birth, only to secure the honours of a higher title; a legal victim on the altar of heraldry!” p. 201, 202, 203.

He then goes into the particular facts which are to support this description, and works them up to a purpose bold indeed—but not rash:—he contrives to make the parties change places, and represents the seducer as the injured person.

“ To all this it will be said by the plaintiff’s counsel (as it has indeed been hinted already), that disgust and alienation from her husband could not but be expected; but that it arose from her affection for Mr. B.—Be it so, gentlemen.—I readily admit, that if Mr. B.’s acquaintance with the lady had commenced *subsequent to the marriage*, the argument would be irresistible, and the criminal conclusion against him

unanswerable : But has Mr. H. a right to instruct his counsel to charge my honourable client with seduction when *he himself* was the SEDUCER? My learned friend deprecates the power of what he terms my pathetic eloquence: Alas, gentlemen! if I possessed it, the occasion forbids its exertion, because, Mr. B. has only to defend *himself*, and cannot demand damages from Mr. H. for depriving him of what was *his* by a title superior to any law which man has a moral right to make. Mr. H. was NEVER MARRIED. God and nature forbid the banns of such a marriage.—If, therefore, Mr. B. this day could have, by me, addressed to you his wrongs in the character of a plaintiff demanding reparation, what damages might I not have asked for him—and, without the aid of this imputed eloquence, what damages might I not have expected?

“ I would have brought before you a noble youth, who had fixed his affections upon one of the most beautiful of her sex, and who enjoyed hers in return.—I would have shown you their suitable condition;—I would have painted the expectation of an honourable union, and would have concluded by showing her to you in the arms of another, by the legal prostitution of parental choice in the teeth of affection: with child by a rival, and only reclaimed at last, after so cruel and so afflicting a divorce, with her freshest charms despoiled, and her very morals in a manner impeached, by asserting the purity and virtue of her original and spotless choice.—Good God! imagine my client to be PLAINTIFF, and what damages are you not prepared to give him? and yet he is here as DEFENDANT, and damages are demanded against HIM.—Oh, monstrous conclusion!” p. 204, 205.

After this, he says he considers his client as perfectly safe in the hands of the jury; and may spare a moment to render his cause beneficial to the public. It might be supposed that he is in reality going to lecture upon some general topics arising out of the cause; not for the sake of really edifying his audience, but for relieving their attention, and displaying Rhetoric.—No such thing—these are arts of lesser rhetoricians.—He enlarges on such points indeed, and persuades his hearers that he is instructing them, and stepping aside for their improvement; but after thus getting the more complete and unsuspecting possession of them, he speedily, but not abruptly, turns all he has been saying to the account of his cause, by a transition perfectly natural, and indicating the purpose for which the supposed digression was indulged in.

“ It involves in it an awful lesson; and more instructive lessons are taught in courts of justice than the church is able to inculcate.—Morals come in the cold abstract from pulpits; but men smart under them practically when we lawyers are the preachers. Let the aristocracy of England, which trembles so much for itself, take heed to its own security: let the nobles of England, if they mean to preserve that pre-eminence which, in some shape or other, must exist in every social



community, take care to support it by aiming at that which is creative, and alone creative, of real superiority. Instead of matching themselves to supply wealth, to be again idly squandered in debauching excesses, or to round the quarters of a family shield; instead of continuing their names and honours in cold and alienated embraces, amidst the enervating rounds of shallow dissipation, let them live as their fathers of old lived before them;—let them marry as affection and prudence lead the way; and in the ardours of mutual love, and in the simplicities of rural life, let them lay the foundation of a vigorous race of men, firm in their bodies, and moral from early habits; and instead of wasting their fortunes and their strength in the tasteless circles of debauchery, let them light up their magnificent and hospitable halls to the gentry and peasantry of the country, extending the consolations of wealth and influence to the poor.—Let them but do this,—and instead of those dangerous and distracted divisions between the different ranks of life, and those jealousies of the multitude so often blindly painted as big with destruction; we should see our country as one large and harmonious family,—which can never be accomplished amidst vice and corruption, by wars or treaties, by informations *ex officio* for libels, or by any of the tricks and artifices of the state;—would to God this system had been followed in the instance before us!—Surely the noble house of F. needed no further illustration; nor the still nobler house of H.,—with blood enough to have inoculated half the kingdom.” p. 205, 207.

The speech concludes with such a representation of the defender's circumstances as might conduce to the same end—the diminution of damages. Whether he was successful or not, the reader may judge, when he learns, that only 500*l.* were given;—barely enough to cover an application for a divorce bill.

We shall now close this article, which we trust will not be thought tedious, however extended in length, by such as have read the extracts, which give it the whole value it possesses. It is too late to indulge in general reflexions upon a professional career, about which the world has long since made up its mind. Nothing now remains but to admire its lustre, and to lament that it has been terminated,—not indeed by events which took Mr. Erskine from a new sphere, to which the habits of his previous life were little adapted, and in which he could have experienced no great comfort, however necessary for his fame and for the honour of the profession his elevation to it might have been. Nor yet do we mourn because the prospect of his return to the same sphere has been overcast. But we may be allowed to express a sincere, though unavailing regret, that the strange and humiliating events which have recently inflicted such injuries on the country, should have deprived it of the services which Lord Erskine might still render, in returning to the courts of common law, and filling a high magisterial station in those scenes where his life was spent.

In concluding these reflexions, we cannot avoid recurring to the topic with which our former article on the same subject was wound up. To hold up Lord Erskine's skill and eloquence to the younger members of the profession for their models, might be in most instances unavailing. But every one, however slenderly gifted, may follow him close in the path of pure honour and unsullied integrity;—above all—of high and unbending independence,—incapable of being seduced or awed, either by the political or judicial influence of the times. Had he not been the first in this path—had his powers been exerted in obsequiousness to the government, or in time-serving or timid submission to the courts of justice, *we*, at least, should not have stepped aside to attempt the task of praising his eloquence. He might have spoken with the tongue of an angel, if his cause had not been that of the people—and conducted with dauntless resistance to power—unceasing enmity to every kind of oppression, by whomsoever attempted. Covered over with honours (as they are called)—satiated with wealth—bepraised in every court and assembly within the realm—one thing he would still have found beyond the reach either of his talents or his power:—the humble, but honest, and therefore not worthless, tribute of praise which we have given, not to the orator, but to the friend of the people.

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FROM THE BRITISH CRITIC.

A Narrative of a Three Years' Residence in France, principally in the Southern Departments, from the year 1802 to 1805; including some authentic particulars respecting the early life of the French emperor, and a general inquiry into his character. By Anne Plumptre. In three vols. 8vo. 17. 11s. 6d. Mawman, &c. &c. 1810.

WE have long wished for leisure and opportunity to pay our respects to this our Frenchified countrywoman. We were well aware that the school in which we know she was formerly a disciple, namely, that of the notorious Miss Helen Maria Williams, was of that kind, in which the best principles must incur the danger of contamination, if not of total corruption. But we could hardly suppose, that the most violent prejudices could so far predominate, or perverseness of intellect so far prevail, that an English woman should be found gravely and deliberately sitting down, to see nothing good and amiable, sound or wise, in the manners and institutions of her country, whenever brought into competition with that of revolutionized France. Will any reader believe, that a female native of England, an individual of respec-



table connexions, good education, and by no means contemptible abilities should be found, who can not only palliate, but justify the most atrocious proceedings of the French and their tyrant; but who can with a certain degree of subtlety explain away the most reprehensible acts of the French government, and who volunteers the defence of those acts of Bonaparte, which have excited the astonishment and provoked the indignation of mankind. Mrs. or Miss Plumptre for having been domiciliated in France, she has probably the opportunity of accepting either appellation, can see nothing wrong in the murder of the Duke D'Enghein, whilst *the ill-starred* expedition to Copenhagen merits every disgusting mark of reprehension. It is hardly worth while to be minutely circumstantial, but after a careful perusal of these volumes we are compelled to observe, with a mixture of indignation and regret, that wherever a comparison is made between the manners, circumstances, and individuals of France and England, the latter is of no consideration in the balance. Even Robespierre is mild; Bonaparte magnanimous, clement, far from irritable, indeed all that is good, wise, great, and amiable. A few atrocious facts and incidents are, indeed, allowed to have taken place in the tumult and confusion unavoidable from a revolution; but how could it be otherwise? For with a few real patriots, 'there were many who were actuated only by a desire of seeing every thing thrown into anarchy and confusion.' It is somewhat extraordinary, that this flippant lady could allow even so much as this. It is really, in our opinion, much to be lamented, that Mrs. or Miss Plumptre did not stay in France to enjoy all these transcendent blessings which so elevate that country in the scale of happiness and prosperity beyond her own.

Her delights commence immediately on her arrival at Calais. Mengaud forsooth, the Commissary of the Police, notorious for his insolence and ill-treatment of Englishmen and their families, behaved to Mrs. or Miss P. with civility and respect. But she was the companion of a Frenchman and his wife, and was in all probability so effectually *Frenchified*, that he never imagined that she could be an English-woman. One of her first impressions with respect to Bonaparte was, that he was a *religious man!!!!* which she believed, and of course still believes. The lively lady is impatient to begin her comparisons between *delightful* France and *odious* England, and, as before observed, the latter sinks perpetually in the comparison. Shakespeare is stupid and dull; Westminster Abbey is nothing compared with the Museum of French monuments; the views from the dome of St. Paul's contemptible with those from a certain part of Paris, &c. &c.

Then again, the poor King of France and his Queen were, of course, the one contemptible, the other profligate; every anecdote,

without question of its authenticity, told to the disrepute of either, circumstantially detailed and religiously believed; whilst doubt, and distrust, and scorn attach to every thing related in their vindication. To sum up the whole, Bonaparte is the god of this Mrs. or Miss Plumptre's idolatry; he it is who has rendered the French happy; France, and every thing French, is the standard by which this lively lady measures all excellence, virtue, wisdom, sound policy, and good manners.

We are truly sorry to see this; but having expressed our dislike and disapprobation, we are not reluctant to acknowledge, that these volumes will still be found very entertaining; a multitude of interesting anecdotes occur, which were certainly communicated from the most undoubted authority; the lady is observant, well-informed, properly inquisitive, and by no means without sagacity. We therefore, as a matter of justice, subjoin one or two specimens for the reader's amusement.

“ An English lady and her son, with whom I had become acquainted at Paris, had one day made a party with Mons. and Madame B—and myself, to go and see the Jardin des Plantes, and the manufactory of the Gobelins' tapestry, which is at a very short distance. As they lie in a quarter of the town remote from that which we inhabited, we agreed to dine at the garden, and walk home in the cool of the evening. All that we had planned for the day was done, and we were about setting out on our return home, when looking cross the river at the spot where the Bastille once stood, and which was directly opposite to us, our Anglaise said that, though she had been some months at Paris, she had not yet been there, but that it was her intention some day or other to make a pilgrimage thither. And why delay this to another time? we said: it was but crossing the water, and we could then return home by the North Boulevards; our walk, it was true, would by these means be somewhat lengthened, but the route would be much pleasanter, and as the evening was very fine, such an extension of our walk would be far from disagreeable.

“ This was no sooner proposed than unanimously agreed to, and we accordingly embarked without delay to cross the river. As it was late, however, before the plan had been thought of, the dusk of evening was beginning to steal upon us by the time we reached the site of the Bastille. This spot, which ought to be consecrated to some national monument, is now converted into what the French call a *chantier*, that is a large magazine of billets for firing. It is open all day, and there is a public passage through it from Fauxbourg St Antoine to the Arsenal, but it is locked up at night. As we were looking about, we fell into conversation with two men whom we found there, and soon learned that they were heroes of the fourteenth of July, and had actually assisted in the ever-memorable exploit of that day,—the forcing the fortress which stood on that ground, till then deemed impregnable. Could any thing be more interesting than to meet with two of these heroes, on the very spot which had been the scene of their pro-



wess! A few questions were sufficient to encourage them to enter at large upon the subject; and they began a detail of the affair from beginning to end: like Alexander, they

“Fought all their battles o’er again,  
And thrice they routed all their foes,  
And thrice they slew the slain.”

“As they related each circumstance, they led us to the spot where it had happened; they showed us where each particular part of the building had stood; they pointed out to us the remains of a *cachot*, enough of which was still left to give a perfect idea of the nature of these dungeons, and to make one shudder at the idea of a fellow-creature having been immured in it. They, in short, seemed as little weary with relating as we with listening; so that we never thought about separating till the night had completely closed upon us, and the heavens above were spangled with thousands and ten thousands of stars. Warned thus that it was time to think of retiring, we bent our course to the great gate of the *chantier*; but when we arrived there, we had the mortification to find that we had already outstayed our time, and that it was fast locked. What now was to be done? There was a small house near the gate: our heroes called and called repeatedly, in hopes of making themselves heard by the inhabitants, but all in vain. One of them then attempted to climb the gate, but that he found impossible; so that after making every effort to get released without effect, it seemed as if we should be compelled to take up our lodging there for the night, and none of us much relished the idea of imprisonment in the Bastille, though it would be only for a few hours, and not in a *cachot*. At length one of our companions suggested, that near the other gate leading to the arsenal a sentinel was posted, and by going thither we might possibly make him hear, and he might be able to assist in extricating us from our difficulty. Thither then we repaired, and soon succeeded in making ourselves heard by the sentinel, who, to our unspeakable consolation, said that he expected to be relieved every moment, and he would then go to the owner of the *chantier*, and send him to let us out. This promise he punctually performed; and we had not been long returned to the other gate, when we had the satisfaction of hearing the key thrust into the lock, the joyful signal of our deliverance.

“*Voici, qui est tout à fait comique,*” said the keeper of our prison, as he opened the gate; “*vraiment, je ne croyois pas avoir encore renfermé des prisonniers dans la Bastille.*”—“*Oui,*” said one of our heroes, “*mais Dieu en soit béni, nous voici hors d’affaire, et sans même avoir été contraint de faire nos chemises.*”<sup>\*</sup> And now, after thanking the gaoler,

<sup>\*</sup> “Well, this is altogether comic. Indeed I did not suppose, that I had once more shut up prisoners in the Bastille.” “Yes,” answered the other, “but thank God we are out of the scrape, and without being obliged even to pull our shirts to pieces.”—It will be recollected, that he here alludes to the escape of Maseres de la Tude, who rayelled out a number of shirts to make the cordage by means of which he formed the ladder that assisted him to descend from his prison.

we took leave of our warriors, who expressed much regret, that night coming on had cut them short in their narration; "*car nous aurions pu vous raconter encore tant de choses*,"\* they said. But perhaps, they added, we might some time or other come that way again, and perhaps they might meet with us again, and perhaps it might not be so late in the evening, and then they should be able to relate all that yet remained untold; "*en supposant toujours*," they concluded "*que cela puisse vous faire plaisir*."† We thanked them, and assured them that nothing would give us greater pleasure than such a meeting; and so with mutual good wishes and congratulations on our enlargement we parted. Of our good sentinel we saw no more; having rendered us the service we wanted, he went his way, nor came with the man who opened the gate, to receive the recompense which he might reasonably have expected." Vol. I. p. 105.

The accounts of the horrors perpetrated and sustained at Lyons in the first convulsions of the revolution are exceedingly well detailed, and beyond doubt authentic. It forms a curious, interesting, and pathetic narrative. The extreme interest of the tale will excuse its length.

"On the ninth of December, seventy-two prisoners were condemned, and thrown into the cave of death, there to await the execution of their sentence. This could not be the next day, because it was the decadi: one of the prisoners, by name Porral, only twenty-two years of age, of a bold and ardent spirit, profited of this interval to devise a plan of escape. His sisters, having, by means of a very large bribe, obtained access to this abode of horrors, began to weep around him. "It is not now a time to weep," said he, "it is the moment to arm ourselves with resolution and activity, and endeavour to find some way by which we can elude our menaced fate. Bring me files, a chissel, a turnscrew, and other instruments; bring wine in abundance, bring poniards, that, if reduced to extremity, we may not perish without the means of defence. By this grate, which looks into the *rue Lafond*, you can give me these things, I will be in waiting there the whole day to receive them."

"The sisters retired, and in the course of the day at different visits brought a variety of tools, twelve fowls, and about sixty bottles of wine. Porral communicated his project to four others, bold and active like himself, and the whole business was arranged. The evening arrived, a general supper was proposed, the last they should ever eat. The prisoners supped well, exhorting each other to meet their fate the next morning with heroism, to brave their tyrants with their last breath. The wine was handed briskly about till the heads of the company began to turn, and in the end they were all laid fast asleep.

"At eleven o'clock the five associates began their labours. One of them was placed as a sentinel near the door of the cave, armed with a poniard ready to despatch the turnkey, if, at his visit at two o'clock in

\* "For there are so many other things which we could have told you.

† "Supposing always that it would be agreeable to you."



the morning, he should appear to suspect any thing particular to be going forward: the others, putting off their coats, began to make their researches.

"At the extremity of the second cave they found a large door, and on this they began their operations. It was of oak, and double barred; by degrees the hinges gave way to the file, and the door was no longer held by them; still, however, they could not force it open, it was retained by something on the other side. A hole was made in it with the chissel, and looking through, they perceived that it was tied by a very strong rope to a post at a little distance. This was a terrible moment, they endeavoured in vain to cut the rope with the chissel or the file, but they could not reach it: at length one of the party hit upon an expedient. He returned to the cave and begged a little piece of wax-candle of Fromental, a notary, in whose possession he remembered to have seen such a thing, Fromental, half-asleep, gave it to him; it was lighted and tied to the end of a stick, then thrust through the hole in the door till it reached the cord which in a short time it burnt asunder. The door was then opened, and the adventurers proceeded forward.

"They found themselves in another vault, in the midst of which was a large slab of stone, which seemed laid there for some particular purpose. They struck upon it, when a hollow noise came from within. This gave them hopes that it was a place to cover the entrance of some subterraneous passage; perhaps it might be one that led to the Rhone. They immediately began to employ all their efforts to remove the stone, in which they at length succeeded, and found to their inexpressible transport that they were not deceived in their conjectures, that it was indeed a subterraneous passage, and they doubted not that here they should find an issue. They then tied their handkerchiefs together; and one of them, named Labatre, taking hold of the end with one hand, and carrying a light in the other, descended to explore the place. Alas! their hopes were in a moment blasted:—instead of finding any passage by which they could escape, he perceived that this was only an old well dried up, and heaped with rubbish. Labatre turned with a heavy heart—some other means of escape must be sought.

"A door at the extremity of the cave now appeared their only resource. On this they set to work; but after having forced the lock and hinges, still the door resisted their efforts, they could not get it open. They had again recourse to the chissel, and having made a hole, they discovered that the obstacle now was two pieces of stone laid against it. They pushed with all their might, and at length dislodging one of the stones, it fell down, and with it fell the door.

"But this led only to another vault, which served as a *dépôt* for confiscated effects and merchandize. Among other things was a large trunk full of shirts. They profited of this discovery, to make an exchange of linen; and instead of the clean ones which they took, they left their own covered with filth and vermin. Two doors, besides that at which they had entered, now offered themselves to their choice. They began to attack one; but they had scarcely applied the file, when

they were alarmed with the barking of a dog behind it. A general consternation seized the party ; the work was stopped in an instant : perhaps the door led into the apartments of the gaoler. This idea recalled to their minds, that it was now near two o'clock, the time of his visit.

" One of the party returned towards the cave of death, to see whether all was safe ; and it was agreed to suspend their labours till his return. They had, indeed, need of some moments of rest ; they took advantage of them to fortify themselves for the rest of their work by taking some wine. " I do not, in general, like wine," said one of the prisoners to me in relating his story, " but never did I take any thing with greater pleasure than that which I drank in this gloomy cave. At every drop I swallowed, my arm seemed strengthened, my courage fortified ; wine did, indeed, on this occasion, appear truly to strengthen man's heart."

" When he who had been sent as a scout returned, he said, that at his arrival at the cave of death he had shuddered with horror at finding the turnkey there already. He, however, who had been left as sentinel, had engaged him to drink with him ; and the scout joining the party, they plied him so well, that he at last reeled off without much examining the cave, and was in all probability laid fast asleep for the rest of the night. This was very consoling news. Quitting then the door at which they heard the dog bark, they applied themselves to the other. They found here folding doors, one of which was held by a bar of iron. The bar was easily loosened, and the door opened.

" But they were not yet at the end of their labours. They only found themselves in a long dark passage. At the end they perceived another door, but listening they heard voices behind it. They looked through a crack ; the glimmering remains of a fire in the room showed them some men extended on a heap of straw. Are these more prisoners ? was the first idea that presented itself to their minds : if so, we must join party with them, and escape together. But one of the men raising himself up, they perceived that he was in the national uniform, and found that the door led in fact to the guard-house. This was a terrible stroke ; had they then got so far only to meet with a worse obstacle than any they had yet encountered ?—must all their labours prove at length fruitless ?

" One only resource remained, and this was a door which they had passed on the side of the passage, and which they had not attempted, because they conceived it must lead to the great court of the Hôtel de Ville, and they had rather found some other exit. In effect, having forced the door, it appeared that they were not mistaken, that they were at the bottom of a staircase which led into the court.

" It was now half past four o'clock : the morning was dark and cold, while rain and snow were falling in abundance. The associates embraced each other with transport, and were preparing to mount the staircase, when Parrot cried " What are you about !—if we attempt to go out at present, all is over with us. The gate is now shut, and if any one should be perceived in the court, the alarm would be



instantly given, and all would be discovered. After having had the courage to penetrate thus far, let us have resolution still to wait awhile. At eight o'clock the gate will be opened, and the passage through the court free. We can then steal out by degrees, and mingling with the numbers that are constantly passing and repassing, we can get away without being perceived. It is not till ten o'clock that the prisoners are summoned away to execution; between eight and ten there will be time for us all to get away. We will return to the cave, and when the time of departure arrives, each of us five will advertise two others of the means of escape offered. We shall then be fifteen, and going out at three at a time, we shall pass unobserved. Let the last three, as they set out, advertise fifteen others, and thus in succession we may all escape." This plan appeared judicious and safe; it was unanimously agreed to, and the associates returning to the cave, made choice of those who should first be informed of what they had done.

"Montellier, a notary, was one to whom the means of escape was offered. "I thank you," said he to him who offered it, "but I will tell you as a secret, that I have been mistaken for my brother, who has fled the country. Of this the judges have been informed; they are convinced of their mistake, and to-morrow morning I shall be set at liberty. I would not, therefore, hazard the danger of being proscribed by an attempt to escape." Alas! how deceitful was the vision he had formed to himself! At noon the next day Montellier was no more.

"The ci-devant baron de Chaffoy, a man still in the flower of his age, was also instructed in the way of escape that was opened. "No," he answered, "life has nothing now to offer which can make it worth my acceptance; all my ties in this world are broken. I have felt the sentiments of affection as strongly as any one; they never contributed to my happiness. I had an annual income of thirty thousand livres, I have lost it all. My father has been guillotined; it was a fate he little merited. I do not believe that I merit it myself, yet I shall submit to it."

"The fate of the fifteen who had fled was not entirely similar; and the escape of the rest was prevented by the imprudence of one of them. The last of the fifteen, who, at quitting the cave, was, according to the plan arranged, privately to apprise fifteen others, instead of doing so, cried aloud, "*the passage is open; let him that can escape.*" This excited a great movement among the prisoners: they arose in an instant, doubting whether what they heard could be true, or whether he who had uttered these words was not mad. The noise they made alarmed the sentinel without; he called to the turnkeys; they hastened immediately to the cave, perceived what had been done, and closing up the door by which the prisoners had escaped, placed a strong guard before it. Nesple, who had excited this movement, was, with three others, retaken and executed.

"Another of the fugitives took refuge in the house of a friend, in an obscure street near the 'Change, who consented to conceal him. Almost at the instant of his entering, a party of those who had been sent in pursuit of the prisoners, came into the house to make a search

there. The fugitive, however, was so well concealed that he was not discovered; but the inquisitors finding the picture of a priest in the house, were angry, and ran their bayonets through it. The master of the house remonstrated, saying, that the priest was his brother. The soldiers, to punish him, carried him away with them, and ordered the seals to be put upon the house. The fugitive, left alone, came forth from his hiding-place; and, frightened lest he should perish for want of food, uttered many cries and deep groans. An old woman, who lived at the next door, heard them; and knowing that the house had been just shut up, was alarmed in her turn, thinking that it was a spirit: she ran in haste to the section, and assured them that she had heard a spirit walking about the house, and turning every thing topsy-turvy. Guards were sent again to search, the fugitive was found, brought back, and guillotined.

"It was not thus with Porral, the original author of the plan. He was the first that came forth from the cave. As he passed the sentinel in the court, "My good friend," said he, "it rains and snows very hard; were I in your place, I would not remain out of doors in such villainous weather, but would go to the fire in the guard-room." The sentinel thanked him, and following his advice, the coast was left more clear for the prisoners. Porral took refuge in the house of one who was considered as a good patriot. A party of the commissaries entered, and related the abominable escape of a number of the rascals destined to be guillotined that morning. Porral put a good face upon the matter, and swore at the rascals with them; not forgetting to belabour also the gaolers, who did not look better after their prey. The commissaries after a while retired, and Porral then began to think of making his way out of the city as fast as possible. When he arrived at the Place Belle-cour, he found parties of the gendarmerie dispersed every where. Porral went into a house, and making known who he was, entreated an asylum. The inhabitants were women, timid to excess; but the desire of saving an innocent person rendered them courageous. They conducted him into a garret, and concealed him behind some planks standing up in a corner. The gens-d'armes arrived; they searched the house; they came into the garret where Porral was concealed. Here they found a large cask, the top of which was fastened down with a padlock. They asked for the key: the women had not got it about them, and went down stairs for it. While they were gone, one of the gens-d'armes leaned against the planks, while a second said, "'Twould be droll enough if we were to find one of the fugitives in this cask."—"More likely plate or money," says a third, "for it seems devilish heavy." The key at length arrived; the cask was unlocked, and was found to be full of salt. The gens-d'armes swore at the disappointment, visited the roof of the house, and retired. In the evening, Porral dressed in woman's clothes, with a basket on his head, and another on his arm, passed the bridge of La Guillotiere, and quitted the city.

"Gabriel, another of the fugitives, concealed himself among some bushes in the marshes of the *Travaux Perache*. The snow fell; he was almost covered with it. In the evening, when he would have



quitted his inhospitable lodging, his feet and hands were so benumbed that he could not use them ; he seemed to have escaped the guillotine but to be frozen to death. By a great effort, however, he contrived to disengage himself from the bushes ; and rolling himself well in the snow, he found warmth and life begin to return to his limbs : at last they so far recovered, that he was able to walk, and got away from the city into a place of safety.

"The young Couchoux, who was one of the five that had opened the way for escape, made choice of his father, near eighty years old, as one of the fifteen ; but the poor old man's legs were swelled and full of ulcers. "Fly, my son," said he, "if thou hast the opportunity ; fly, this instant ; I command it thee as an act of duty ; but it is impossible that I should fly with thee. I have lived long enough ; my troubles will soon be finished ; and death will be deprived of its sting if I can know that thou art in safety." His son assured him that he would not quit the prison without him, and that his persisting in his refusal would only end in the destruction of both. The father, overcome by his dutiful affection, yielded, and supported by his son, made his way to the bottom of the staircase ; but to ascend it was out of his power : he could just drag his legs along the ground, but to lift them up was impossible. His son, though low in stature, and not strong, took him up in his arms ; the desire of saving his father gave him strength, and he carried him to the top of the stairs. His filial piety was rewarded, and both escaped." p. 346.

We not unreluctantly repeat, that a great deal of entertaining matter occurs in these volumes, and that numerous anecdotes might have been selected of great and peculiar interest ; but in every page we are disgusted with the impertinence, flippancy, and self-conceit of the writer.

The elaborate vindication of Bonaparte, with which the volumes conclude, the superficial knowledge of the real political conditions of the various states of Europe, accompanied with the presumptuous and peremptory tone with which judgment is pronounced on questions the most delicate and the most difficult, cannot but excite mingled sensations of pity and contempt.

The writer has unquestionably talents which, properly cultivated and properly directed, might have been ornamental to literature and useful to herself. She must now be satisfied with the scanty portion of praise, limited to the very small circle in which she, in all probability, is doomed to move ; of her Frenchified countrymen, or of natives of France domiciliated among us. We the more lament this, as we understand Mrs. or Miss Plumptre is the daughter of a dignitary of the church of England, revered for his piety, and beloved for his domestic virtues, and who would deeply and bitterly have lamented, could he have foreseen the result of an excellent education, bestowed for very different purposes, and with far different expectations.

FROM THE LADY'S MONTHLY MUSEUM.

*Temper, a Tale*, in three Vols. by Mrs. Opie. Published by Messrs. Longman, Hurst, Rees, Orme, and Browne, 1812.

MRS. OPIE will increase the reputation she has so deservedly acquired by her present production. The fair Author has, in this work, exemplified the influence of Temper upon various characters under the various circumstances of discipline, want of discipline, and trying situations; the effect is to ameliorate and improve the heart, temper, and understanding. There is a chasteness in the language, a self-command, a propriety and unaffectedness, in all that is said and done by the prominent characters, intended for examples and imitation, that impresses us with great respect and veneration for them.

The first character, Torrington, exhibits all the dire effects, from infancy to age, of an ill-governed temper, both as it affects her conduct, and the disasters of her life, originating in and proceeding from the over indulgence of a weak and fond parent. Agatha is drawn with life, spirit, and fidelity; in her misfortunes, the consequence of unbridled temper, which are truly pitiable, she discovers many noble and amiable qualities; and the catastrophe of her life is extremely tragic and affecting. She marries, against her mother's consent, to a stranger, who, after the birth of a daughter, named Emma, and having squandered her property, treats her with neglect, and she discovers that he is attempting to deceive and marry another woman for her fortune, to relieve his present wants. Agatha, with her infant daughter, flies from his roof; and the villain, her husband, to prevent her having the protection of her mother, contrives to have the register of their marriage torn from the parish register book, and to make her parent believe that her daughter, his wife, has not been married to him, and is abandoned and worthless. The mother becomes exasperated against her child, refuses to read her letters; and hence an infinity of woe, which terminates only with the existence of the unfortunate sufferer.

Agatha, in the climax of her misery and misfortunes, meditates her own and child's destruction; on this subject, our author says, "There is little doubt that suicides have been often, very often, occasioned merely by the vindictive wish of planting an everlasting thorn in the breast of the parent, the lover, the mistress, the wife, or the husband, whose conduct has, in the opinion of the weak sufferer, the slave of an ill-governed temper, excited the terrible cravings of a vicious resentment. Sure is it, that Temper, like the unseen but busy subterranean fires in the bosom of



a volcano, is always at work where it has once gained an existence, and is for ever threatening to explode, and scatter ruin and desolation around it. Parents, beware how you omit to check the first evidences of its empire in your children; and *tremble*, lest the powerless hand, which is only lifted in childless anger against you should, if its impotent fury remains uncorrected, in future life, be armed with more destructive fury against its own existence, or that of a fellow creature!"

This part of the tale gives occasion for the introduction of two most benevolent persons, Mr. and Mrs. Orwell, whose example, we cannot help regretting, is not more frequently to be found in real life.

We shall anticipate no more; much depends upon the difficulty of proving this marriage; and the fate of Agatha's only daughter, Emma, the heroine of the work, is, in consequence, frequently held in doubtful suspense.

Your interest in the life of Agatha, which is concluded before you have read half the first volume, is so strongly excited, that, unfortunately, it is considerably diminished for the remainder of the tale, till you arrive at the third and last volume; and yet this defect, if defect it can be called, appears to be almost unavoidable, from the necessity of contrasting this character with that of her daughter, Emma, who, with the same strong passions as her mother, under the more happy auspices and instructions of an amiable and intelligent instructor, Mr. Egerton, displays the effects of a well-regulated temper and conduct.

Whenever Mr. Egerton speaks, instruction drops from his lips: he says, "I consider Temper as one of the most busy and universal agents in all human actions. Philosophers believe that the electric fluid, though invisible, is every where in the physical world; so I believe that Temper is equally at work, though sometimes unseen, except in its effects, in the moral world. Perhaps nothing is rarer than a single motive; almost all our motives are compound; and if we examine our own hearts and actions with that accuracy and diffidence which become us as finite and responsible beings, we shall find that, of our motives to bad actions, Temper is very often a principal ingredient, and that it is not unfrequently one incitement to a good one. I am also convinced," added he, "that the crimes, both of private individuals and of sovereigns, are to be traced up to an uncorrected and uneducated temper as their source."

St. Aubin, who becomes enamoured of Emma, is a highly finished portrait; his forbearance, his filial piety, his exemplary conduct, as a son, a friend, a lover, and a man, are admirable lessons.

The story is carried on with the aid of sundry inferior personages; and Mr. Hargrave, a rich and over-bearing uncle, Mrs.

Felton, a coquette, Varley, a coxcomb, and Peter Stokes, a blunt purse-proud man, are ably introduced and contrasted with Mr. Egerton, and his two amiable pupils.

In the last volume, the actors are transported to Paris, and many intelligent remarks, and much curious and entertaining information are given, concerning this grand theatre, of the most important events which have happened within this last century, and for many centuries previous.

After visiting the Museum of Ancient Monuments, in the Rue des Petits Augustins, our travellers reached the gardens of Elysium, where, among other statues, tombs, and urns of great men, judged worthy of having their names and actions recorded on monumental marble, is placed the tomb of Abelard and Eloisa; which gives rise to different sensations in the different spectators. Emma observes on this occasion, "When Mr. Egerton first read aloud to me the poem of these renowned and unfortunate lovers, I was charmed by the beauty of the verse, and interested for the sorrow that it expressed; but when I found that it was the sorrow of unlawful love, and not a virtuous wife separated by force from a virtuous and beloved husband, and that the writer was a woman not ashamed of her error, but glorying in it, and preferring the title of mistress to that of wife, while the poet had only given more power and notoriety to her own profligate prose by clothing it in the most seducing poetical language, I lost the deep interest I originally felt for the eloquent nun, and can, I confess to you, gaze on this tomb with as much indifference nearly as on that of the mistress of Henry the Second."

We earnestly recommend this publication to the perusal of our fair readers; and are confident they will reap both pleasure and improvement from it. Temper, like all Mrs. Opie's works, is superior to most of the kind; it strikes at the root of an evil which destroys the happiness of society; and, if circulated widely, cannot fail to be of general utility.

*Ms. A. 9. 2. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*



# SPIRIT OF MAGAZINES.

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FOR THE SELECT REVIEWS.

## MEMOIRS OF MOREAU.

J. VICTOR MOREAU, French general, son of an eminent advocate, was born at Morlaix in 1761. Induced by a strong inclination for the military art, he engaged in it at the age of eighteen; but his father having procured his discharge, he continued his studies, and was at Rennes at the beginning of the revolution, where he enjoyed a marked preeminence among the students. An ingenuous air, and an agreeable person, added a lustre to his natural talents, and to the knowledge he had attained. He was first called into action, at the period when M. de Brienne attempted a revolution in the magistracy; and was called the *general of the parliament*. During five months, which was the period of that petty war, he displayed much bravery and some prudence. The commandant of Rennes, had ordered him to be taken, alive; but he was so well upon his guard, and showed so much intrepidity, that the garrison could not arrest him, although he appeared every day in the public places, and often with but a small escort. During the winter of 1788-89, he opposed the innovations of the ministers, relative to the convocation of the States-General; he commanded the troops of Rennes and Nantes, armed against the parliament and the states of the province; he presided in 1790 at the confederation of the young men of Brittany at Pontivy, and merited to be appointed at the formation of the volunteers, commander of a battalion from that department. At liberty now, to indulge his taste for the profession of arms, he applied himself to the study of tactics and military details. His battalion was employed early in the armies of the north. He was far from approving of the constitution of 1793, and the battalion which he commanded, was the last in the army that accepted it. His bravery and talents being highly distinguished, he was promoted in 1793 to the rank of a general of brigade.

Having become a general of division, on the 14th April 1794, at the instance of Pichegru, he served in a brilliant manner under that general, in the army of the north, and distinguished himself particularly on the 26th and 30th of April, when he blockaded and took Menin; and in June, before Ypres, which he besieged on the 1st and took the 17th, after twelve days intrenchment; before Bruges, which he entered on the 29th; in July at Ostend, Nieuport, and Cassandria (Isle), of which he was master (successively) on the 1st, 18th, and 28th, and again at the attack of Fort Sluys, which capitulated the 26th of August. It was at the very time when he acquired this place for the republic, that the jacobins of Brest carried his aged father to the scaffold as an aristocrat, or friend of aristocrats. That venerable man, whom the people of Morlaix called the father of the poor, had taken charge of the affairs of some of the emigrants, which formed a pretext to his enemies for his ruin. In the celebrated campaign of the winter of 1794, which added Holland to France, Moreau commanded the right wing of Pichegru's army, contributed much to the rapid successes of that general, and succeeded him in the chief command when he was removed to the armies on the Rhine and Moselle. Moreau about that time drew a plan for the defence of Holland, which he communicated to generals Daendels and Dumonceau, and to the Batavian committee, with orders to put it into execution and to render him an account in eight days, that he might take measures in consequence. Being appointed to the command of the armies on the Rhine and Moselle, in the room of Pichegru, he opened in June 1796, the campaign which laid the foundation of his military glory. After having forced Wurmser in his camp before Frankenthal, he repulsed him at Mannheim and effected his passage over the Rhine at Strasburg, in the night of the 23d and 24th of June; and not finding in Kehl that the troops of the Cantons would oppose any resistance, he made prisoners of part of them and put the rest to flight. He sent against Condé and a number of small corps of Austrians, general Ferino, who had fought against them continually at Brisgau, and against La Kinche on the 18th July; he went himself against the Austrian army of the Lower Rhine, which had advanced towards Rastadt, and sent another body by Huningen, to advance through the forest towns and force the troops to retreat who occupied Brisgau. On the 6th of July he attacked the archduke Charles at Rastadt, and after a very lively action forced him to retreat to Eslingen, where he attacked him again on the 9th, and obliged him to fall back to Dourlach, and thence to Pfortzeim. In these two bloody days the troops on each side gave proofs of much bravery, and Moreau displayed great talents. He was, it is true, perfectly seconded by his ge-



nerals of division, particularly by Desaix. On the 15th he was again obliged to attack the enemy at Pfortzeim, to force them to quit that position ; but from the time he commenced, he advanced with such rapidity, that the best troops of the Cantons, who occupied the impregnable post of Knebis, having fled without combat, the troops which remained at Brisgau were forced to retire for fear of being cut off on the right by general Laborde, who was advancing through the forest towns. Meanwhile the Austrian army fell back step by step, and many bloody encounters took place on the 18th, the 21st, and the 22d, at Stutgard, Canstadt, Eerg, and Eslingen ; they all turned to the advantage of the French, who manœuvred in the most masterly manner at Eslingen. These successes rendered them masters of all the course of the Necker, and on the 3d of August they entered Constance. On the 8th and 10th, two of their divisions experienced many checks ; and on the 11th the archduke determined to make a new attempt, charged upon the whole of their line, and drove the advanced bodies as far as the right wing, which lay before Haydenheim ; but Desaix, who commanded on the left, repulsed the enemy with his usual intrepidity and conduct, until Moreau came up with the *corps de reserve*, and regained his ground on the right. Finally, after a battle of seventeen hours, the two armies rested in sight of each other, each claiming the victory. Moreau had already ordered away his baggage ; but perceiving the next day that the Germans were commencing their retreat by the Danube, he hastened to assume an attitude of victory, and to advance upon them. The archduke Charles filed off to the right, to succour general Wartensleben, whom Jourdan pressed very hard, and Moreau continued to follow M. de Latour. On the 13th of August, the division of general Ferino, had an extremely hot action with the troops of Condé, whom they repulsed at Kamlack ; and on the 24th Moreau attacked the Austrian army at Friedburg, near Augsburg, surprised them by a rapid march, and routed them completely, after having killed and taken the best part of them. He then went against Freisingen, which St. Cyr entered on the 3d of September, sent another body against Munich, and ordered a third to L'Iser. This last was beaten on the 11th of September by generals Frolich and Frustenburg, and the second supported continual attacks against the army of Condé, before Munich. Moreau appeared at one time willing to have passed the Danube to relieve Jourdan, but finding that fresh reinforcements were arriving every day from Austria, and that the French general, on his part, was retreating in great disorder, he thought only of effecting a retreat for himself, which he began on the 11th. He intended at first to have possessed himself of the two banks of the Danube, which would

have greatly facilitated the transportation of his baggage, but finding that the bridge of Neubourg was occupied by Nauendorf, he was obliged to follow the right bank. Notwithstanding that this false movement had given occasion to the light troops of the Austrian army, and that of Condé, to take from him a body of from 15 to 1800 men, he tranquilly repassed the Leck on the 17th, and beat a body of the enemy, who would have disputed his passage. His right alone experienced some difficulties, (particularly on the frontiers of Switzerland) during that long retreat, which was accompanied with many skirmishes, in which he always repulsed the Austrians, and particularly at Biberack, where he defeated them completely, took their regiments entire, and would have made his victory still more complete, if the army of Condé, and the column of Mercaudin, had not arrived during the day on his right. The archduke had sent a number of detachments to dispute his passage through the Black Forest, but he swept by these troops, and finally threw himself into Brisgau. After many skirmishes, in which he repulsed all the attacks with which they tried to obstruct his passage over the Rhine, he effected it at Brisac and Huningen, fixing his head quarters on the right bank of the river, at the latter place, and at Fort Kehl. The Austrians advanced upon this last place. It was attacked with vivacity, and obstinately defended. On the 22d of November, Moreau conducted in person a *sortie*, and destroyed many of the enemy's works. At last, on the 31st of December, Kehl was taken by the Austrians, who had lost before that place a number of men and a great deal of time. They then directed their force against Huningen. That little place made also an admirable resistance. As they found themselves overcome by the Austrian batteries, the French dug subterranean dwellings, leaving on the redoubts only the men necessary for the service, but at the moment of an attack, battalions appeared, rising from the bosom of the earth, to repel the enemy. On the 4th of February, 1797, they abandoned again, by capitulation, this little corner of the earth to the Austrians. Moreau then returned to Cologne, to reorganise the army of the Sambre and Meuse, which he soon after resigned to Hoche, to return to the Upper Rhine. On the 20th of April following, he effected another passage at Guemsheim, in full day and by main strength, and before an enemy ranged in the order of battle on the other shore. This was regarded as one of the most brilliant actions of the French armies. It was followed by the retaking of Kehl, with a great many stands of arms, 20 pieces of cannon, military chests, and 3 or 4000 prisoners; but the preliminaries of the peace of Leoben arrested these successes. The army of Moreau continued to remain in the same position. It was not until the 18th Fruct.



an. 5, (4th September, 1797) that he informed the Directory of the correspondence of the Prince of Condé with Pichegru, which had been intercepted at the beginning of the campaign, in a packet to the Austrian general Kinglin, and which he had kept till this time, out of regard for his ancient benefactor, or rather waiting the issue of the dispute between the consuls and the directory; for on account of the first motive it cannot be supposed that he had waited for the moment, the most unfortunate for Pichegru, and at which he might bring triumphantly to the Directory all the means of his ruin. Being sent for to Paris immediately by those before whom he had been *himself* denounced, he wrote that before he could comply with their orders, he wished to be able to assure them of the tranquillity of the army, and that he must arrest a number of persons implicated in that correspondence which he reserved to prove his own innocence. He sent them at the same time a copy of one of his proclamations, the effect of which he said had been to convert many of the incredulous with respect to Pichegru, *whom he had long ceased to esteem*. He wrote also in the same strain to Barthelemy, not recollecting that this director would be enveloped in the ruin of Pichegru. Nevertheless whether he had changed his opinion as to that general, or (which accords more with his character) that he imagined this inculpation would produce nothing, and would save himself from the hatred of the victorious party, it is no less certain, that this proceeding injured him in the eyes of the greater number, without which he would otherwise have had great merit, in the eyes of a discerning Directory, jealous of its authority, and much inclined to set themselves at defiance of the military, and to make them feel the weight of dependence. Little notice was taken, however, of this tardy denunciation, and he was obliged to retract. If the government had employed him in consequence, it was not because it believed in his sincerity, but because it had need of his talents, and always calculated on making him obey it, more on account of his own weakness, than his sense of duty. In September, 1798, he obtained the rank of inspector-general, and in April, 1799, the Directory called him to the Military Council, formed near the seat of government, to develop and prepare military plans and operations. At the commencement of the campaign in Italy, he repaired to the army commanded by Scherer, and was witness to the defeat at Verona, which his counsels could neither prevent nor repair. Scherer, covered with shame, and unwilling to command or fight, threw upon Moreau the care of providing for the safety of the army; he, in a council of war had previously advised, to retire towards Piedmont, avoiding all serious encounters with an enemy who had acquired a decided superiority, and whose victorious movements were

directed by the furious Suwarrow. He began in consequence to execute his plan, and assembled the army on the Adda. Forced in this position, and thence to Cossano, he conducted his retreat in good order to the Tesin; he was then reduced to 25,000 men, and pursued by a victorious army of 80,000. He manœuvred with great precision, to post his right on the Appenines, and to afford a rallying point to Macdonald, who was then hastening from the bosom of Italy, and endeavouring to secure a junction with the main army. Moreau then formed a sort of intrenched camp behind the Po, and the Tanarus, and between Alexandria and Valence. On the 11th of May he fought 12,000 Russians near Bassignano, and passed the Bormida, but being assailed by the whole force of Suwarrow, he evacuated Valence and Alexandria, retired to Corri, and took his position on the *Colde-feude*. After having caused a division to file off to the right, Moreau, in order to strengthen his force with the army of Macdonald, penetrated in the country of Geneva by the Appenines, the heights and passages of which, he possessed. These movements appeared at that time to have no other object, but to place himself within the reach of succours from France, by the river *Génes*; but their ulterior object was to take the offensive, after the junction with Macdonald, which had been certain had not the latter been beaten at Trebia.

It was in vain that Moreau, to make a diversion in favour of Macdonald, sallied from *Génes*, and vanquished Bellegarde, who opposed him; in vain, that he beseiged Tortona, and drove the enemy even to Voghero; the triple victory over Suwarrow induced that general to unite his forces, and to oblige the French general to get under cover of the Appenines. In the month of August, Moreau was appointed commander in chief of the army of the Rhine; at the same time Joubert to the command of that of Italy. This young general, on the point of commencing his first battle, wished to submit the direction of it to Moreau, who refused it, and asked only to fight under his orders; he assisted him, therefore, with his counsels at the famous battle of Novi, in which Joubert was killed, and he himself exposed to the greatest dangers; he had three horses killed under him, received a ball, which wounded him in the shoulder; and at last effected his retreat in so masterly a stile, that he arrested, as it were, the victory even in the hands of the allies. After this battle, he quitted the army of Italy, having terminated a campaign, in which he had discovered, by the confession of all military judges, a genius which rendered him worthy of being placed in the very first rank of military renown, and which obtained him the title of the *French Fabius*. We cannot withhold from him the just tribute of admiration, when we observe with what art he defended,



at the head of the scanty remains of a debilitated army, without pay, without magazines, and no hope of reinforcements, a few leagues of ground, which all Europe supposed would cost nothing more than the march of the army of the allies. His natural character, and perhaps also the pleasure of distressing a government which he despised, rendered him, in the November of this year, one of the instigators of the revolution of St. Cloud. It is also said that he expressed sentiments of disapprobation at the event of that affair. Nevertheless, he was named, almost at the same time, commander of the armies of the Danube, and of the Rhine, and went to complete by a new campaign, that fabric of military glory of which he had already laid so brilliant a foundation. The manner in which, in the year 1800, he led on general Kray, as if to engage him in the valleys which descend towards Brisgau, whilst he effected his real purpose in passing the Rhine at Stein; the art with which he obliged him, by manœuvring, to abandon Lech to him, even to the environs of Ulm, &c. and lastly his hardy passage of the Danube, reflected on him more honour than all his other splendid victories over that general. On the 27th of April he passed the Rhine at Bâle; met with the enemy at Maeskirch, and defeated them there and at Engen, where he took 10,000 prisoners. In the first affair he exposed himself as much as one of his own grenadiers, had four horses killed under him, and received a spent dead ball in his breast; he possessed himself of Memmingen; again beat the Austrians at Biberach on the 9th of May; passed the Danube on the 22d of June, by an evolution equally skilful and courageous, and afterwards gained the battles of Hochstadt, of Negersheim, Nortlingen, and Oberhausen. After many fruitless negotiations, he announced to his army the duplicity of the cabinet of Vienna, and conducted them to the fields of Hohenlinden, to gather fresh laurels. On the 3d of December, 1800, he gave battle to the Austrian army, commanded by general Laver; a bloody and decisive battle; in which there was not a single French corps which did not cover itself with glory. The enemy's loss was 20 field pieces, 200 covered waggons, 10,000 prisoners (of whom three were generals) and an incalculable number of slain; in his report, the French general estimates his loss at only 1000 men. After this victory, the Austrian army, in disorder, could no longer hinder Moreau from penetrating to Vienna. It was in vain, that the archduke Charles, who by court intrigue had been prevented from taking any part in the late military events, was placed at the head of the Austrian army, by the wishes even of those who had hitherto most sedulously kept him from it. This prince saw no means of safety for the Austrian monarchy, but a peace, and he entered into negotiations with general Moreau, who suspended the march

of his army, and returned shortly after to Paris, where he received flattering testimonies of the public admiration. The first consul himself, presented to him a magnificent pair of pistols, saying, "that he wished to have had all his victories engraven on them, but had not found room!" From this time Moreau retired to his place of *Grosbois*, which he had bought from Barras, and where he passed the greater part of his time, coming rarely to Paris, and seeing but few of the chief persons of the government. He even made a sort of affectation of retiring from it, and it was long since known to all the world, that he blamed every thing that was done since the 9th of November 1799. He circulated many satirical tracts against the first consul, which were winked at. In 1802, the police arrested at Calais a certain Abbé David, suspected of having been sent by him to Pichegru, then in England. This man being carried to prison, confessed that "he really thought it his duty to endeavour to reconcile these two old friends!" The police from this time, regarded Moreau with the most watchful scrutiny, and was not backward in getting information that he had many interviews with Pichegru, who came secretly to Paris, and even with Georges. Being arrested almost immediately, the government discovered all the threads, the outline of a vast conspiracy against the person of the first consul, in which Moreau had never consented to participate but with the restrictions and hesitations, which always characterized him. He was sincerely desirous, according to official reports, to assist in overthrowing the consular government, nor did he wish for the monarchy of the Bourbons, but a representative republic. Brought with the other conspirators before the criminal tribunal, Moreau was defended, as well by the eloquence of Bonnet, his advocate, as the public opinion, and the generous denials of the other accused. He was, nevertheless, condemned on the 10th of June, 1804, to two years imprisonment, which was immediately converted to banishment. He set out for Spain, escorted by four *gens d'armes*, and arrived at Cadiz at the time of an epidemic, with which that city was afflicted, at the commencement of 1805. He then proceeded to the United States with his lady, who would not quit him for a moment. The Parisian journals announced, at the commencement of 1806, that they were settled in the vicinity of Baltimore, where they had purchased a country seat. His effects in France were sold by Madame Hulot, his mother-in-law, who transferred him the proceeds, retaining a sufficiency to pay the expenses of the criminal procedure in which he was condemned. It may be seen by what we have said, that Moreau is a great warrior; but on examining his political conduct, we find neither energy nor grandeur. He has sometimes sacrificed his friends to his own pusillanimity; little skilled



in the knowledge of men, or of the revolution which he had entered into; without ambition, and not without jealousy, he has often committed great political faults; and he drew upon himself at least by his own imprudence, the exile to which he has been condemned.

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FROM THE ANNUAL REGISTER.

ACCOUNT OF THE MERINO SHEEP LATELY PRESENTED TO HIS  
MAJESTY.

[From a paper of Sir Joseph Banks, Bart., &c. &c. inserted in the Communications to the Board of Agriculture.]

A CONSIDERABLE part of Estremadura, Leon, and the neighbouring provinces of Spain is appropriated to the maintenance of the Merino flocks, called by the Spaniards *Trashumantes*, as are also broad green roads, leading from one province to the other, and extensive resting-places, where the sheep are baited on the road. So careful is the police of the country to preserve them during their journies from all hazard of disturbance or interruption, that no person, not even a foot passenger, is suffered to travel upon these roads while the sheep are in motion, unless he belongs to the flocks.

The country on which the sheep are depastured, both in the southern and the northern parts, is set out into divisions, separated from each other by land-marks only, without any kind of fences; each of these is called a *Dehesa*, and is of a size capable of maintaining a flock of about a thousand sheep; a greater number, of course, in the south country, where the lambs are reared, and fewer in the north country, where the sheep arrive after the flock has been culled.

Every proprietor must possess as much of these in each province as will maintain his flock. In the temperate season of winter and spring, the flocks remain in Estremadura, and there the ewes bring forth their lambs in December. As soon as the increasing heats of April and May, have scorched up the grass, and rendered the pasturage scanty, they commence their march towards the mountains of Leon; and, after having been shorn on the road, at vast establishments, called *Esquileos*, erected for that purpose, pass their summer in the elevated country which supplies them with abundance of rich grass; and they do not leave the mountains till the frosts of September begin to damage the herbage.

A flock in the aggregate is called a *cavana*: this is divided in-

to as many subdivisions as there are thousands of sheep belonging to it; each sheep, besides being scar-marked in the face with a hot iron when young, is branded after every shearing with a broad pitch brand, generally of the first letter of the name of the proprietor, and each subdivision is distinguished from the rest by the part of the sheep's body on which this mark is placed.

By the laws of the Mesta, each cavana must be governed by an officer called Mayoral; for each subdivision of a thousand sheep, five shepherds and four dogs are appointed. Some of these inferior shepherds obtain the office of Rabadan, the duty of which is to give a general superintendence under the control of the Mayoral, also to prescribe and administer medicines to the sick sheep. At the time of travelling, and when the ewes are yearning one or two extra shepherds are allowed for each thousand sheep.

The number of Merino sheep in Spain is estimated by Burgoyne, 6,000,000; these of course must be attended by 30,000 shepherds, and 24,000 dogs at ordinary times, and they find occasional employment for 5 or 10,000 additional persons in the seasons of lambing and travelling.

In their journey each subdivision is attended by its own shepherds and dogs, and kept separate as far as may be from all others. The duty of the dogs is to chase the wolves, who are always upon the watch, when the sheep are on the road, and are more wily than our foxes; they are taught also, when a sick sheep lags behind unobserved by the shepherds, to stay with and defend it, till some one returns back in search of it. There are besides in each subdivision about six tame wethers, called Mansos; these wear bells, and are obedient to the voice of the shepherds, who frequently give them small pieces of bread; some of the shepherds lead, the mansos are always near them, and this disposes the flock to follow.

Every sheep is well acquainted with the situation of the Dehesa to which its subdivision belongs, and will at the end of the journey go straight to it, without the guidance of the shepherds. Here the flock grazes all the day under the eyes of the attendants: when the evening comes on, the sheep are collected together, and they soon lie down to rest; the shepherds and their dogs then lie down on the ground round the flock, and sleep, as they term it, under the stars, or in huts that afford little shelter from inclement weather; and this is their custom all the year, except that each is allowed, in his turn, an absence of about a month, which he spends with his family: and it is remarkable, that the families of these shepherds, reside entirely in Leon.

The shepherds, who came with his Majesty's flock, were questioned on the subject of giving salt to their sheep; they declared



that this is only done in the hottest season of the year, when the sheep are on the mountains; that in September it is left off; and that they dare not give salt to ewes forward with lamb, being of opinion that it causes abortion.

It is scarcely credible, though it appears on the best authority to be true, that under the operation of the laws of the Mesta, which confide the care of the sheep to the management of their shepherds, without any interference on the part of the proprietor, no profit of the flock comes to the hands of the owner, except what is derived from the wool; the carcasses of the culled sheep are consumed by the shepherds, and it does not appear that any account is rendered by them to their employers, of the value of the skins, the tallow, &c.; the profit derived by a proprietor from a flock, is estimated on an average at about one shilling a head, and the produce of a capital vested in a flock is said to fluctuate between five and ten per cent.

The sheep are always low kept. It is the business of each Mayoral to increase his flock to as large a number as the land allotted to it can possibly maintain: when it has arrived at that pitch, all further increase is useless, as there is no sale for these sheep, unless some neighbouring flock has been reduced by mortality below its proper number: the most of the lambs are therefore every year killed as soon as they are yeaned, and each of those preserved is made to suck two or three ewes; the shepherds say, that the wool of an ewe that brings up her lamb without assistance, is reduced in its value.

At shearing time the shepherds, shearers, washers, and a multitude of unnecessary attendants, are fed upon the flesh of the culled sheep; and it seems that the consumption occasioned by this season of feasting, is sufficient to devour the whole of the sheep that are draughted from the flock. Mutton in Spain is not a favourite food; in truth it is not in that country prepared for the palate as it is in this. We have our lamb-fairs, our hog-fairs, our shearing-fairs, our fairs for culls, and our markets for fat sheep; where the mutton, having passed through three different stages of preparation, each under the care of men whose soil and whose skill are best suited to the part they have been taught by their interest to assign to themselves, is offered for sale; and if fat and good, it seldom fails to command a price by the pound, from five to ten per cent. dearer than that of beef. In Spain they have no such sheep-fairs calculated to subdivide the education of each animal, by making it pass through many hands, as works of art do in a manufacturing concern, and they have not any fat sheep-markets that at all resemble ours. The low state of grazing in Spain, ought not, therefore to be wondered at, nor the poverty of the Spanish farmers; they till a soil sufficiently produc-

tive by nature, but are robbed of the reward due to the occupier, by the want of an advantageous market for their produce, and the benefit of an extensive consumption ; till the manufacturing and mercantile parts of a community become opulent enough to pay liberal prices, the agricultural part of it cannot grow rich by selling.

That the sole purpose of the journeys taken annually by these sheep, is to seek food where it can be found ; and that these migrations would not be undertaken, if either in the northern or the southern provinces a sufficiency of good pasture could be obtained during the whole year, appears a matter of certainty. That change of pasture has no effect upon their wool, is clear, from all the experiments tried in other countries, and in Spain also : for Burgoyne tells us, that there are stationary flocks, both in Leon and Estremadura, which produce wool quite as fine as that of the Trashumantes.

The sheep lately presented to his majesty are of the Cavana of Paular, one of the very finest in point of pile, and esteemed above all others for the beauty of carcase. In both these opinions, M. Lasteyrie, a French writer on sheep, who lived many years in Spain, and paid diligent attention to the Merino sheep, entirely agrees : he also tells us, that the Cavana of Negrete, from whence the sheep imported by his Majesty in the year 1791 were selected, is not only one of the finest piles, but produces also the largest-carcased sheep of all the Merinoes. Mr. Burgoyne agrees with him in asserting, that the piles of Paular, Negrete, and Escorial, have been withheld from exportation, and retained for the royal manufactory of Gaudalaxara, ever since it was first established.

The Cavana of Paular consists of 36,000 sheep. It originally belonged to the rich Carthusian monastery of that name, near Segovia ; soon after the Prince of the Peace rose into power, he purchased the flock from the monks, with the land belonging to it, both in Estremadura and in Leon, at a price equal to twenty French francs a head, 16s. 8d. English. All the sheep lately arrived are marked with a large M. the mark of Don Manuel.

The number sent from Spain to the king was 2000, equal to two subdivisions of the original Cavana. To make the present the more valuable, these were selected by the shepherds from eight subdivisions, in order to choose young, well-shaped, and fine woolled animals. This fact is evident, from the marks which are placed on eight different parts of the bodies of the sheep now at Kew.

The whole number embarked was 2,214 ; of these, 214 were presented by the Spaniards to some of his Majesty's ministers, and 427 died on the journey, either at sea or on their way from



Portsmouth to Kew. His Majesty was graciously pleased to take upon himself the whole of the loss, which reduced the royal flock to 1573; several more have since died. As the time of giving the ram in Spain is July, the ewes were full of lamb when they embarked, several of them cast their lambs when the weather was bad at sea, and are rendered so weak and infirm by abortion, that it is to be feared more will die, notwithstanding the great care taken of them by his Majesty's shepherds. A few of them have died of the rot. This disease must have been contracted by halting on some swampy district, in their journey from the mountains to the sea at Gijon, where they were embarked, as one sheep died rotten at Portsmouth; there is every reason, however, to hope, that the disease will not spread, as the land on which they are now kept has never been subject to its ravages, being of a very light and sandy texture.

It is well worthy of observation, that although the Swedes, the Saxons, the Danes, the Prussians, the Austrians, and of late the French, have, either by the foresight of their governments, or the patriotic exertions of individuals, imported Merino sheep, no nation has hitherto ventured to assert, that they possess the complete and unmixed race of any one Cavana; this circumstance does not appear to have been attended to any where but in England; though in fact each Cavana is a separate and distinct breed of sheep, not suffered by the Spaniards to mingle with others. The difference in value of the wool of different Spanish flocks is very great; at this time when Spanish wool is unusually dear, the prima piles are worth more than 7*s.* a pound, and yet the inferior ones scarce reach 5*s.* Even the French, attentive as that nation is to all things that concern the interest of individuals, appear to have overlooked this circumstance, and to have contented themselves with making up the numbers of their importations, without paying any regard to it; they have not at least stated in any of their publications, that attention was paid to the securing sheep of a prima pile, and keeping the breed of that pile pure and unmixed after they had obtained it.

Our merchants, dealers in Spanish wool, range the prima piles in the following order of value, as appears by a statement in the year 1792:

Paular,  
Negrete,  
Muro,

Patrimonio; and 15 more, not necessary to be enumerated. M. Lasteyrie, the French writer on sheep, ranges them not very differently; he states them as follows: but both English and French agree that all the prima piles are nearly equal in fineness of fibre, and consequently in value to the manufacturer.

tive by nature, but are robbed of the reward due to the occupier, by the want of an advantageous market for their produce, and the benefit of an extensive consumption ; till the manufacturing and mercantile parts of a community become opulent enough to pay liberal prices, the agricultural part of it cannot grow rich by selling.

That the sole purpose of the journeys taken annually by these sheep, is to seek food where it can be found ; and that these migrations would not be undertaken, if either in the northern or the southern provinces a sufficiency of good pasture could be obtained during the whole year, appears a matter of certainty. That change of pasture has no effect upon their wool, is clear, from all the experiments tried in other countries, and in Spain also : for Burgoyne tells us, that there are stationary flocks, both in Leon and Estremadura, which produce wool quite as fine as that of the Trashumantes.

The sheep lately presented to his majesty are of the Cavana of Paular, one of the very finest in point of pile, and esteemed above all others for the beauty of carcase. In both these opinions, M. Lasteyrie, a French writer on sheep, who lived many years in Spain, and paid diligent attention to the Merino sheep, entirely agrees : he also tells us, that the Cavana of Negrete, from whence the sheep imported by his Majesty in the year 1791 were selected, is not only one of the finest piles, but produces also the largest-carcased sheep of all the Merinoes. Mr. Burgoyne agrees with him in asserting, that the piles of Paular, Negrete, and Escorial, have been withheld from exportation, and retained for the royal manufactory of Gaudalaxara, ever since it was first established.

The Cavana of Paular consists of 36,000 sheep. It originally belonged to the rich Carthusian monastery of that name, near Segovia ; soon after the Prince of the Peace rose into power, he purchased the flock from the monks, with the land belonging to it, both in Estremadura and in Leon, at a price equal to twenty French francs a head, 16s. 8d. English. All the sheep lately arrived are marked with a large M. the mark of Don Manuel.

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Escurial, called by us Patrimonio,  
Guadalupe,  
Paular,  
Infantado,  
Montareo,  
Negrete, &c.

The Danes, he tells us, procured their sheep from the best piles; but there is no appearance of their having, since they obtained them, kept the flocks separate, nor are they at present so remarkable for fine wool as the Saxons, whose wool is now at least as fine as that of Spain is, upon an average of prima and second rate piles.

The Swedes were the first people who imported the Spanish breed. This good work was undertaken and completed by the patriotic exertions of a merchant of the name of Alstroemer, in the year 1727. The next who obtained an importation of Merino sheep were the Saxons, who are indebted for the benefits they enjoy from the improvement of their wools to the prince Xavier, administrator to the electorate during the minority of the elector, and brother-in-law to the King of Spain. The prince obtained a flock of these valuable animals in 1766, and in 1778 an addition to it of 100 rams and 200 ewes. The Danes followed his useful-example, as also did both Prussia and Austria. Every one of these countries continue at this moment to profit largely by the improvements these sheep have occasioned in their agricultural concerns. So far from truth is the too common assertion, that their wool will not continue fine in any country but Spain, that in the year 1806, when the ports of Spain were closed against us, a very large quantity of fine wool, the produce of German Merino sheep, was imported into this country from Ham-burgh, and used by our manufacturers as a substitute for Spanish wool. In truth, some of this wool was so fine, that it carried in the British market as high a price as the best Spanish piles were sold for, in times of peace and amity.

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FROM THE ANNUAL REGISTER.

### ELOGY OF JOHN OPIE, ESQ.

[From an Address to Prince Hoare, Esq. introductory to Mr. Opie's Lectures on Painting, by Mrs. Opie.]

IT has been observed that distinguished men generally resemble their works, and this observation appears to me strikingly true if applied to Mr. Opie. He greatly resembled his paint-



ings ; and, while the trivial defects both of him and them were obvious to the many, the unusual excellencies of both could be completely known and valued only by the few.

Any observer, however contemptible, might in some of his pictures discover a neglect of proper costume in his draperies, a too strict adherence to the *models* from which he painted, and an inattention to the minuter parts of art ; but it required the eye of a connoisseur, and the kindred feeling of an artist to distinguish and appreciate properly the simplicity of his designs, the justness of his representations, and the force of his light and shadow. In like manner any one might observe in the artist himself a negligence in dress, a disregard of the common rules of common manners, and a carelessness to please those whom he considered as trifling and uninteresting, but it required a mind of powers nearly equal to his own, or gifted with a nice perception of uncommon endowments in others, to value, and to call forth his acuteness of observation and his depth of thinking ; to follow him through the wide range of his perceptions, and to profit by that just and philosophical mode of seeing and describing, on which his claims to mental superiority were so strongly built.

Those only whom he sufficiently respected to enter into argument with, or who were themselves fond of argument, are aware of the full extent of the powers of his mind :—with others, even when he loved them as friends, and valued them as companions, he indulged, for the most part, in conversation, which, though never trifling, was often unimportant, and which at least served the useful purpose of unbending a mind, only too frequently for the good of the frame which contained it, stretched to the very utmost limit. You have said of him that in argument he had the power of eliciting light from his opponent, and Mr. Northcote has exhibited his talent for conversing in another point of view, by observing that ‘it is difficult to say whether his conversation gave more amusement or instruction.’ Certain indeed it is, that his power to amuse was equal to his power to instruct ;—but, as flame shines brightest in certain airs, he shone the most in certain societies. The fire of his mind required certain applications to elicit its brilliancy, and those were love, esteem, and respect for the companions with whom he was conversing, and a perfect confidence that they desired and valued his society.

I was induced to mention this circumstance from being fully aware that many persons, with whom Mr. Opie lived in apparent intimacy, had no suspicion of his possessing conversational talents of the highest order. But in general the *few only* possess a key to open in another the stores of mental excellence, especially

when the entrance is also guarded by the proud consciousness of superiority, suspicious of being undervalued.

You, my dear Sir, were one of those who possessed a key to unlock the mind of Mr. Opie, and to you were all its treasures known. You, therefore, are well aware that he excelled in aptness of quotation, that there was a peculiar playfulness of fancy in his descriptions; that he possessed the art of representing strongly the ridiculous in men and things, which he instantly and sensibly felt, and therefore the pictures drawn by his tongue lived as powerfully to the view as those from his pencil;—while his talent for repartee, for strong humour, and formidable though not malignant sarcasm, gave an ever varying attraction to his conversation; an attraction which no one I believe was ever more sensible of than yourself, as you were one of the friends whom he never failed to welcome with an artless warmth of manner which always found its way to the heart, because it bore indisputable marks of having come from it.

But as I am fully sensible that my testimony in favour of Mr. Opie's conversational superiority can add no weight to that given by you and Mr. Northcote, and that both you and he may be supposed biassed by the partiality of friendship, I beg leave to offer, in corroboration of its truth, authority of a very high description, and which has hitherto not met the public eye,—that of Mr. Horne Tooke, whom even those who dislike his politics must admire as a man not only of sagacity the most acute, but of attainments the most extraordinary, and that of Sir James Mackintosh, on whose talents it is needless for me to expatiate.

Mr. Tooke, while Mr. Opie was painting him, had not only the opportunity, but the power of 'sounding him, from his lowest note to the top of his compass.' And he said, a short time afterwards, to one of his most distinguished friends, 'Mr. Opie crowds more wisdom into a few words than almost any man I ever knew;—he speaks as it were in *axioms*, and what he observes is worthy to be remembered.'

Sir James Mackintosh, in a letter recently received from him, laments the loss of an acquaintance to whose society he looked forward as one of the pleasures which awaited him at his return to England, and adds the following observation: 'had Mr. Opie turned his powers of mind to the study of philosophy, he would have been one of the first philosophers of the age. I was never more struck than with his original manner of thinking and expressing himself in conversation, and had he written on the subject, he would, perhaps, have thrown more light on the philosophy of his art than any man living.'

Nor was Mr. Opie's intellectual superiority unappreciated by the eminent amongst my own sex.



Mrs. Inchbald has given to the world her opinion of my husband in her own interesting and energetic manner ; and Mrs. Siddons must pardon me, if I relate the following circumstance : ‘ where is Mr. Opie ? ’ said Mrs. Siddons, one evening at a party in B——k-street. ‘ He is gone,’ was the answer. ‘ I am sorry for it,’ she replied, ‘ for I meant to have sought him out, as when I am with him, I am always sure to hear him say something which I cannot forget, or at least which ought never to be forgotten.’

I have been led to dwell on Mr. Opie’s great talents for conversation, and to bring forward respectable evidence to prove it, in order to draw this inference ; that to him who could in society ‘ *speak in axioms*,’ and express original ideas in an impressive and forcible manner, it could not be a very difficult task to conquer the only obstacle to his success as an author, namely, want of the habit of writing, and to become on the subject most dear and familiar to him, a powerful and eloquent writer.

That he was such, the following work, I trust, will sufficiently testify : and I should not have thought it necessary to draw the inference mentioned above, had it not been often asserted, and by many believed, that, however the ideas contained in the lectures might be conceived by Mr. Opie, it was not by his pen that those ideas were clothed in adequate language. But the slight texture of muslin could as easily assume the consistency of velvet, as the person supposed to have assisted Mr. Opie in the composition of his lectures, have given language to the conceptions of his mind. He who alone conceived them, was alone capable of giving them adequate expression ; nor could so weak and ill-founded a suspicion have ever entered into the head of any one, but for the false ideas which, as you well know, are entertained of painting and of painters in general.

There are many who set literature so much above the arts, that they would think Mr. Opie showed more ability in being able to write on painting, than in executing the finest of his pictures.

Such persons see a simple effect produced, and are wholly unconscious what compound powers are requisite to produce it. They would gaze on a portrait painted by the first masters, they would see the character, the expression, and the sort of historical effect which the picture exhibited ; but they would turn away and still consider the artist as a mere painter, and not at all suspect that he could think, or argue, or write. Here let me declare in the most solemn and unequivocal manner, that to my certain knowledge, Mr. Opie never received from any human being the slightest assistance whatever in the composition of his lectures ; I believe I read to myself some parts of them as they were given at the Royal Institution before they were delivered, and afterwards I had the honour of reading them to the bishop of Dur-

ham, who said when I had concluded, 'you were known before as a great painter, Mr. Opie, you will now be known as a great writer also : ' but the four finished lectures, on which he employed all the powers of his mind, and which he delivered as professor of painting at the Royal Academy, I never even saw, but he read each of them to me when finished, and two of them I believe to Mr. Landseer, the engraver, and Mr. Philips, the Academician. Assistance from any one Mr. Opie would have despised, even if he had needed it ; as none but the most contemptible of human beings can endure to strut forth in borrowed plumes, and claim a reputation which they have not conscientiously deserved. Such meanness was unworthy a man like Mr. Opie, and the lectures themselves are perhaps a fatal proof not only of his eagerness to obtain reputation as a lecturer, but also of the laborious industry by which he endeavoured to satisfy that eagerness.

To the toils of the artist during the day (and he never was idle for a moment), succeeded those of the writer every evening ; and from the month of September 1806, to February 1807, he allowed his mind no rest, and scarcely indulged himself in the relaxation of a walk, or the society of his friends. To the completion therefore of the lectures in question his life perhaps fell an untimely sacrifice ; and in the bitterness of regret, I wish they had never been even thought of. But they were written, were delivered, and highly were they admired. They serve to form another wreath for his brow. Let it then be suffered to bloom there, nor let the hand of ignorance, inadvertence, envy, or malignity, attempt to pluck it thence !

Mr. Northcote, in his character of Mr. Opie, has mentioned his filial piety, and I can confirm what he has asserted by the testimony of my own experience : indeed all who knew him, would readily admit, that the strength of his affections equalled that of his intellect. I have heard Mr. Opie say, that when he first came to London, he was considered as a sort of *painting Chatterton*. But it was not in talent only that he resembled the unfortunate Chatterton. He resembled him also in attachment to his family.

Chatterton, if we may judge by his letters, never looked forward to any worldly good without telling his mother and sister, that he hoped to share it with them ; and no sooner was Mr. Opie settled in London, with a prospect of increasing employment, than some of his first earnings were transmitted by him to his mother ; and his sister, whom he tenderly loved, and who well deserved his affection, was invited to the metropolis, to enjoy the popularity, and partake of the prosperity of her brother. Here, unhappily for Chatterton, the resemblance between them



ceases, for he possessed not the industry, the patience, the prudence and the self-denial of Mr. Opie. The mother and sister whom Chatterton held so dear were left by his wretched and selfish suicide in the same state of poverty they had ever known; while those of my husband were enabled by his well deserved success to know the comforts of a respectable competence. Mr. Opie's father died, I believe, at a very early period of his son's life; but he lived to witness the dawns of his genius, and to feel his affections, as well as his pride gratified, by seeing that genius first exhibited in a likeness of *himself*. Perhaps the following anecdote may not be unacceptable to my readers; but I cannot expect them to experience from it the same interest which it produced in me, especially as I cannot narrate it in the simple yet impressive and dramatic manner in which my poor sister used to tell it, while, in order to beguile her grief for her brother's loss, she dwelt with never satisfied pride and delight on his talents and his worth.

One Sunday afternoon, while his mother was at church, Mr. Opie, then a boy of ten or eleven years old, fixed his materials for painting in a little kitchen, directly opposite the parlour, where his father sat reading the Bible. He went on drawing till he had finished every thing but the head, and when he came to that he frequently ran into the parlour to look up in his father's face. He repeated this extraordinary interruption so often, that the old man became quite angry, and threatened to correct him severely if he did the like again. This was exactly what the young artist wanted. He wished to paint his father's eyes when lighted up, and sparkling with indignation, and having obtained his end, he quietly resumed his task. He had completed his picture before his mother's return from church, and on entering the house, he set it before her. She knew it instantly, but, ever true to her principles, she was very angry with him for having painted on a Sunday, thereby profaning the Sabbath-day. The child, however, was so elated by his success, that he disregarded her remonstrance, and hanging fondly round her neck, he was alive only to the pleasure she had given him by owning the strength of the resemblance. At this moment his father entered the room, and recognizing his own portrait immediately, highly approved his son's amusement, during the afternoon, (parental pride conquering habitual piety awhile), and exhibited the picture, with ever new satisfaction, to all who came to the house, while the story of his anger, at interruptions so happily excused and accounted for, added interest to his narrative, and gratified still more the pride of the artist.

Mr. Opie used to speak of his mother with the most touching enthusiasm. He described her as the most perfect of human be-

ings ; as the most mild, most just, and most disinterested of women ; and I believe that scarcely any one who knew her would have thought this description an exaggerated one. He loved to relate little instances of the sacred love of justice which led her, regardless of the partialities of a parent, to decide even against her own children, when as criminals they appeared before her, and were in the slightest degree culpable ; and these stories always ended in recollections of her tender care of him during his feeble childhood, of the gloves and great coat warmed at the winter's fire against he went to school ; and while he related them with a glistening eye, and a feeling of grateful affection, I never found the story, though often told, a tedious one, and used to feel the tie that bound me to him strengthened by the narration. This parent so tenderly beloved, was spared the misery of surviving her son, and breathed her last in perfect possession of her faculties and in all the cheering hopes of the pious, in May 1805, at the advanced age of ninety-two.

Mr. Northcote has also mentioned Mr. Opie's READINESS TO FORGIVE INJURIES, and I could bring many instances to confirm this observation. Such indeed was his extreme placability, that it was sometimes with difficulty he could prevent himself from showing he had forgiven an offence, even before the offender could exhibit tokens of contrition ; and his anger had always subsided long ere that self-respect which every one ought to preserve, allowed him to prove by his conduct that it had done so. A kind word, and an affectionate shake by the hand, had always such power to banish from his mind the remembrance of a wrong committed against him, that I have seen him by such means so totally deprived even of salutary caution, as to be willing to confide again, where he knew his confidence had been unworthily betrayed. Such a power of forgiving and forgetting injuries as this, is, I fear, a rare virtue, though forcibly enjoined by our Saviour's precepts and example : but Mr. Opie's entire FREEDOM FROM VANITY of any kind is a still rarer quality. He was so slow to commend, and panegyric on the works of contemporary artists was so sparingly given by him, that it was natural for some persons to suppose him actuated by the feelings of professional jealousy : but it is more generous, and I am fully convinced more *just*, to think this sluggishness to praise was merely the result of such a *high* idea of excellence in his art, as made him not easily satisfied with efforts to obtain it ; and surely he who was never led by vanity or conceit, to be contented with his *own* works, could not be expected to show great indulgence to the works of others.

During the nine years that I was his wife, I never saw him satisfied with any one of his productions, and often, very often



have I seen him entering my sitting-room, and throwing himself in an agony of despondence on the sofa, exclaim, "I am the most stupid of created beings, and I never, never shall be a painter as long as I live."

But while he was thus painfully alive to his own deficiencies, and to those of others, he was equally sensible of the excellencies of his rivals; and it was from him, and his nice and candid discrimination of their respective merits, that I learnt to appreciate the value of an exhibition. He used to study at Somerset House when the pictures were hung up, with more persevering attention and thirst for improvement than was ever exhibited perhaps by the lowest student in the schools; and, on his return, I never heard him expatiate on his own excellencies, but sorrowfully dwell on his own defects, while he often expressed to me his envy of certain powers in art which other painters were masters of, and which he feared he should never be able to obtain. Sometimes he used to relate to me the flattering observations made to him on his own pictures; but as it was to ME ONLY, and in the most simple and careless manner possible, I felt convinced that he did so more to gratify me than himself.

To prove how completely he was above that littleness of mind which leads some men to be jealous even of being supposed under an obligation to those they hold most dear, I shall venture to relate the following circumstance, at the risk of exposing myself to the imputation of vanity, while endeavouring to prove how much that weakness was unknown to Mr. Opie. When Mr. Opie became again a husband, he found it necessary, in order to procure indulgences for a wife whom he loved, to make himself popular as a portrait painter, and in that productive and difficult branch of art, female portraiture. He therefore turned his attention to those points, which he had before been long in the habit of neglecting; and he laboured earnestly to correct certain faults in his portraits, which he had been sometimes too negligent to amend. Hence, his pictures in general soon acquired a degree of grace and softness, to which they had of late years been strangers. In consequence of this, an academician, highly respectable as a man and admirable as an artist, came up to him at the second exhibition after we married, and complimented him on one of his female portraits, saying: "We never saw any thing like this in you before, Opie—this must be owing to your wife." On his return he repeated this conversation to me; and added in the kindest manner, that if his brother artists would but allow that he *did* improve, he was very willing that they *should attribute the improvement to his wife*.

Once, and once only, did I see his firm and manly mind at all overset by public applause; and that was on the night when he

first lectured at the Academy. His countenance, when I met him on his return, told me of his success before I heard it from his companions, Sir F. Bourgeois and Sir W. Beechey, who accompanied him home, and who seemed to enjoy the triumph which they described. The next morning he told me that he had passed a very restless night: "for, indeed," said he, "I was so *elated*, that I could not sleep."

It was this freedom from vanity that led him to love and to seek the society of the literary and the learned. As he was no egotist, had no petty wish to be the first man in company, and sought society not in order to shine in it, but to be instructed and amused; he feared not to encounter "the proud man's contumely," if that proud man were really capable of affording him amusement and instruction. He had not received a classical education himself, and he was therefore desirous of profiting by the remarks of those who possessed that advantage; he knew he had not read much, he was therefore honourably ambitious to associate with men who had read more; but such were the powers of his memory, that he remembered all he had read; and Milton, Shakspeare, Dryden, Pope, Gray, Cowper, Hudibras, Burke, and Dr. Johnson, he might, to use a familiar expression, be said to know by heart. He knew that he had no pretensions to what is called learning,—though he perfectly understood the French language, and was not wholly ignorant either of Italian or of Latin;—but his self-love never shrank from association with learned men. The epithet of pedant applied to a scholar, had no power to frighten him from the society of scholars; for he always sought to see men and things as they *were*, not as they were *said* to be: besides, his observation had told him that, true as the shadow to the form, some lessening epithet always attaches itself to the highly gifted of both sexes, whether justly, or unjustly, and that the possessors of talents are always called eccentric, conceited, or satirical, while the possessors of learning are prejudged to be arrogant, pedantic, and overbearing.

But where such an imputation was well founded, it was of no importance to Mr. Opie; he was conscious that he aimed at no competition with the learned; while with a manly simplicity, which neither feared contempt, nor courted applause, he has often even in such company, made observations, originating in the native treasures of his own mind, which learning could not teach, and which learning alone could not enable its possessor to appreciate. But, while he sought and valued the society of a Dr. Parr, he shrunk with mingled taste and pride from that of the half-learned,—men whom he denominated *word-catchers*,—men more eager and more able to detect a fault in grammar, than to admire the original thoughts which such defective language ex-



pressed. He felt that amongst persons of that description, he could neither be understood nor valued, and therefore he was at once too proud and too humble to endeavour to please them : while he must also have been conscious that, where he was likely to be judged with candour, and genius was valued before learning, he made all prejudice against his want of birth, of a classical education, and of the graces of manner, vanish before the powers of his intellect and the impressive force of his observations. But there was also *another* class of men with whom he was unwilling to converse. It has been observed of some one, that he was such an enemy to prejudice, that he might be said to be prejudiced against prejudice ; and Mr. Opie was so certain that to some descriptions of clever men he could never be an object of interest, from his want of external polish and classical attainments, that I have often undergone the mortification of observing him remain silent, while flippancy was loquacious ; and of seeing the tinsel of well-fashioned, but superficial, fluency, obtain that notice which was more justly due to the sterling, though in the opinion of some perhaps, the rugged ore of his conversation.

But certain it is, that the republic of letters and of arts has an aristocratic bias ; and many of its members are of such sybarite habits, such fastidious delicacy, and have such a decided preference for the rich, the polished, and the high-born members of its body, that a man of plain, simple, and unobtrusive manners, depending only on his character and his genius for respect, is not likely to be much the object of their notice.

I do not know whether the following anecdote be a proof of the presence of pride in Mr. Opie, or the absence of vanity,—but I shall relate it without further comment : we were one evening in a company consisting chiefly of men who possessed rare mental endowments, and considerable reputation, but who were led by high animal spirits and a consciousness of power to animadvert on their absent acquaintance, whether intellectual or otherwise, with an unsparing and ingenious severity which I have rarely seen equalled, and even the learned, the witty, and the agreeable were set up like so many nine pins only to be bowled down again immediately. As we kept early hours, I knew that we should probably be the first to go away ; and I sat in dread of the arrival of twelve o'clock. At length it came, and I received the usual sign from Mr. Opie ; but to go, and leave ourselves at the mercy of those who remained, was a trial that I shrank from ; and in a whisper I communicated my fears to my husband, and my wish to remain longer in consequence of them. An angry look and a desire expressed aloud that I should get ready to go, was all the answer that I received ; and I obeyed him. When we were in the street, he said : “ I never in my

life acted from a motive so unworthy as that of fear ; and this was a fear so contemptible, that I should have scorned to have acted upon it ; and I am really ashamed of you." No wonder—I was ashamed of myself.

That a feeling so unworthy as a fear of this nature had no power to influence Mr. Opie, I can bring another instance to prove. Some years ago, a gentleman called on Mr. Opie, from motives of friendship, to inform him that a person, whose name I shall not mention, the editor of some magazine, now no more remembered, was going to publish in his next number a very severe abusive memoir of him, and hinted that it might be advisable for Mr. Opie to take measures to prevent the publication, showing him at the same time a number already published, which contained a similar memoir of an eminent and highly respected actor, and was an alarming proof, as the gentleman thought, of the writer's powers. Mr. Opie perused the memoir ; and, returning it to his friend, coolly observed, that if that was all the person could do, he was very welcome to say any thing of him that he chose ; but that he never had condescended, nor ever would condescend, under any circumstances whatever, to put a stop, by bribe or menace, to any thing of the kind. For the exact words which he used on this occasion, I will not answer ; but I am sure that such was the sentiment which he expressed ; and I shall here take the liberty of observing, that while he scorned by bribe or menace, to avert printed calumny against him, he also scorned to obtain, by bribe of any kind, a printed eulogium. For his fame, *latterly* at least, he was indebted to *himself* alone :—by no puffs, no paragraphs, did he endeavour to obtain public notice ; and I have heard him, with virtuous pride declare, that, whether his reputation were great or small, it was self-derived, and he was indebted for it to no exertions but those of his own industry and talents.

Mr. Opie was as free from prejudice on every point, as he was from vanity ; I mean that he never espoused an opinion without well weighing both sides of the question, and was not led by his personal preferences or hatreds to prejudge any man, any measures, or any works. For instance :—when Mr. Burke's splendid work on the French Revolution was published, he read it with delight, and imbibed most of the political opinions of its author : but as soon as he heard that a powerful writer had appeared on the other side of the question, he was eager to read what might be said in opposition to Mr. Burke, truth being his only object on all occasions. I think no stronger instance than this can be given of the love of fair inquiry which was a leading feature in Mr. Opie's mind ; because, when that celebrated book appeared, it became a sort of religion, and those who professed



its doctrines thought there was no political salvation for those who did not. And Mr. Opie had caught the enthusiasm, had imbibed the convictions which that eloquent work inspired ; still he would not condemn the author of the Rights of Man unread, but felt the propriety and the justice of judging with his own eyes and understanding before he passed a definitive sentence. Strange is it, to the eye of reason, that conduct like this, apparently so natural and so easy, should make part of a man's panegyric, as if it were an act of uncommon virtue ; yet those who have at all accustomed themselves to study the habits and motives of mankind in general, will own that the above-mentioned conduct was of the *rarest kind* ; and that there are so many who are too indolent, or too prejudiced, to read, or to inquire on certain subjects and concerning certain people, that they attribute to writers and to sects, both in politics and religion, opinions and designs which it never entered into their heads to conceive of ; and, taught by prejudice and aversion, believe that on some points ignorance is graceful, and inveteracy becoming. Different was the opinion, and different the practice, of Mr. Opie. He seemed to consider a prejudice and an enemy as the same thing, and to think it as desirable to get rid of the one as to subdue the other. But though all Mr. Opie's opinions might not be just opinions, whatever they were, they were the result of toil and investigation. He might, like others, occasionally mistake weeds for flowers ; and bring them home, and carefully preserve them as such : but the weeds were gathered by his own hands, and he had at least by his labour deserved that they should be valuable acquisitions.

On no subject did Mr. Opie evince more generosity and liberality of mind, than in his opinions respecting women of talents, especially those who had dared to cultivate the powers which their Maker had bestowed on them, and to become candidates for the pleasures, the pangs, the rewards, and the penalties of authorship. This class of women never had a more zealous defender than my husband against the attacks of those less liberal than himself. He did not lay it down as a positive axiom, that a female writer must fail in every duty that is most graceful and becoming in woman, and be an offensive companion, a negligent wife, and an inattentive mother. Idleness, in both sexes, was the fault that he was most violent against ; and there was no employment, consistent with delicacy and modesty, that he wished a woman to be debarred from, after she had fulfilled the regular and necessary duties of her sex and her situation : nor, if authorship did not lead a woman to disregard and undervalue the accomplishments and manners of her own sex, or to be forward and obtrusive in company, did he think it just and candid

to affix to such a woman, the degrading epithets of unfeminine, or masculine.

When our marriage took place, he knew that my most favourite amusement was writing; and he always encouraged, instead of checking, my ambition to become an acknowledged author. Our only quarrel on the subject was, not that I wrote so much, but that I did not write *more* and *better*: and to the last hour of my existence I shall deplore those habits of indolence which made me neglect to write while it was in my power to profit by his criticisms and advice; and when, by employing myself more regularly in that manner, I should have been sure to receive the proudest and dearest reward of woman,—the approbation of a husband at once the object of her respect and of her love.

But had Mr. Opie been inclined to that mean and jealous egotism which leads some men to dislike even good sense in our sex, an aversion originating probably in their being *self-judged*, and desirous of shrinking from a competition in which they know that they could not be victorious, still, it was impossible for *him* to find a rival amongst women; for, if ever there was an understanding which deserved in all respects the proud and just distinction of a MASCULINE understanding, it was that of Mr. Opie. In many men, though of high talents and excellent genius, there are to be seen *womanish* weaknesses, as they are called, and littlenesses, the result of vanity and egotism, that debase and obscure the manliness of their intellect. But the intellect of Mr. Opie had such a masculine vigour about it, that it never yielded for a moment to the pressure of a weakness; but kept on with such a firm, untired, undeviating step toward the goal of excellence, that it was impossible for the delicate feet of woman to overtake it in its career.

Of Mr. Opie's industry and excessive application I shall now beg leave to speak.

In one respect he had perhaps, an advantage over most of his competitors. "Many artists," as Mr. Northcote judiciously observes "may be said to paint to live; but *he* lived to paint." To many, painting may be a pleasure, and *is* a profession; but in him it was a *passion*, and he was never happy but when he was employed in the gratification of it. Whenever he came to Norwich while I was on a visit to my father, I had no chance of detaining him there unless he found business awaiting him. But no society, and no situation, however honourable, and however pleasant, could long keep him from his painting-room. In the autumn of 1806, we were staying at Southill, the seat of Mr. Whitbread; and never did I see him so happy, when absent from London, as he was there; for he felt towards his host and hostess every sentiment of respect and admiration which it is



pleasant to feel, and honourable to inspire. But though he was the object of the most kind and flattering attention, he sighed to return to London and his pursuits :—and when he had been at Southill only eight days, he said to me, on my expressing my unwillingness to go away, “ Though I shall be even anxious to come hither again, recollect that I have been idle *eight days*.”

But his art was not only his passion, it was also his pride ; and whatever had a tendency to exalt painting and its professors in the eyes of the world, was a source of gratification to him. He used often to expatiate on the great classical attainments of Mr. Fuseli, whose wit he admired, and whose conversation he delighted in : but I have often thought that one cause of the pleasure which he derived from mentioning that gentleman’s attainments was, his conviction that the learning of Mr. Fuseli was an honour to his profession, and tended to exalt it in the opinion of society. I saw the same sort of exultation in him, when Mr. Hoppner and Mr. Shee became candidates for literary reputation :—he loved to see the tie between poetry and painting drawn closer and closer (a tie which he felt to exist, though it was not generally allowed) ; and I well remember that, while he read the well-told tales of the one, and the excellent poem of the other, he seemed to feel a pride in them as the works of *painters*, and to rejoice that their authors united, in their own persons, the sister and corresponding arts.

But to return to Mr. Opie’s industry.

It was not only from inclination, but from principle, that he was industrious : he thought it vicious for any one to be satisfied in art with aught less than excellence, and knew that excellence is not to be obtained by convulsive starts of application, but by continued and daily perseverance ; not by the alternately rapid and faint step of the hare, but by the slow yet sure and incessant pace of the tortoise. He required not the incitement of a yearly and public competition for fame to make him studious and laborious. He would have toiled as much had there been no exhibition, and not only during the few months or weeks preceding it did he prepare for that interesting and anxious period, but the whole foregoing year was his term of preparation.

It was his opinion, that no one should either paint or write with a view merely to present bread or present reputation, nor be contented to shine, like a beauty or a fashion, the idol only of the passing hour ;—he felt it right for painters and authors to experience the honourable ambition and stimulating desire to live

“ In song of distant days ;”

his time, therefore, his labour, and his study, were the coin with which he proudly tried to purchase immortality : nor did he ever

waste the precious hours of day-light in any pursuits or engagements which had not some connexion with his art or his professional interests. No wonder, then, that every successive year saw him improved in some branch of his profession :—no wonder that one of our first painters should have said of him, "Others get forward by steps, but that man by *strides*."

He was always in his painting-room by half past eight in winter, and by eight o'clock in summer ; and there he generally remained, closely engaged in painting, till half past four in winter, and till five in summer. Nor did he ever allow himself to be idle even when he had no pictures bespoken : and as he never let his execution rust for want of practice, he, in that case, either sketched out designs for historical or fancy pictures, or endeavoured, by working on an unfinished picture of *me*, to improve himself by incessant practice in that difficult branch of his art, female portraiture. Neither did he suffer his exertions to be paralyzed by neglect the most unexpected, and disappointment the most undeserved. Though he had a picture in the exhibition of 1801, which was universally admired, and purchased as soon as it was beheld, he saw himself at the end of that year, and the beginning of the next, almost wholly without employment ; and even my sanguine temper yielded to the trial, I began to fear that, small as our expenditure was, it must become still smaller. Not that I allowed myself to own that I desponded ; on the contrary, I was forced to talk to him of hopes, and to bid him look forward to higher prospects, as his temper, naturally desponding, required all the support possible. But gloomy and painful indeed were those three alarming months ; and I consider them as the severest trial that I experienced during my married life. However, as I before observed, even despondence did not make him indolent ; he continued to paint regularly as usual, and no doubt by that means increased his ability to do justice to the torrent of business which soon after set in towards him, and never ceased to flow till the day of his death.

It is probable that many young artists, men whose habits and whose style are yet to form, will eagerly seek out opportunities to study the pictures of Mr. Opie, and endeavour to make his excellencies their own ; but let them not overlook the legacy, the more valuable legacy which he has bequeathed to students, and even proficient in art, in the powerful example of his life. Such it appears, was his application, that it would have insured ability and renown, even had his powers been of a less superior kind ; and such were his economy and self-denial, that they would have secured independence even where the means of obtaining it were slender and uncertain. For the gratifications of vanity, and for the pomps of life, Mr. Opie had no inclination ; therefore he



could not be said to have merit in not trying to indulge in them. But though his tastes were simple, and he loved what may be denominated the cheap pleasures of existence, reading, conversation, an evening walk, either for the sake of exercise or for the study of picturesque effect, still, there were pleasures of a more expensive sort, for which he earnestly longed, but in which his well-principled economy forbade him to indulge; I mean the purchase of pictures and of books. But till he had acquired a *certain sum*, always the object of his industry—a sum that would, he trusted, make him independent of the world, he was resolved to deny himself every indulgence that was not absolutely necessary; for he shrunk with horror from the idea of incurring debts or pecuniary obligation: and as he never squandered any thing on unnecessary wants, he was always able to discharge every debt as it was incurred, whether of the day or of the week, and to meet the exigencies of the moment, not only for himself, but sometimes for others less provident, less self-denying, and less fortunate than he was.

He was temperate in most of his habits. Dinner parties, if they consisted of persons whose society he valued, he was always willing to join. Still, his habits and his taste were so domestic in their nature, that he, on the whole, preferred passing his evenings at home, to joining any society abroad; and he employed his hours from tea to bed-time either in reading books of instruction or amusement, in studying prints from the best ancient and modern masters, or in sketching designs for pictures of various descriptions. Not unfrequently did he allow himself the relaxation of reading a novel, even if it were not of the first class; for he was above the petty yet common affectation of considering that sort of reading as beneath any persons but fools and women. And if his fondness for works of that kind was a weakness, it was one which he had in common with Mr. Fox and Mr. Porson. But it was with great difficulty I could on any occasion prevail on him to accompany me either to public places or into private parties of a mixed and numerous kind; yet when at the theatre he was interested and amused, and still more so at the opera, as he delighted in Italian music and Italian singing; and such was the quickness of his ear, and so excellent was his musical memory, that in common he accurately remembered a tune that pleased him, on only once hearing it. He played the flute pleasingly: and though he had not the smallest pretention to voice, he sung comic songs to me occasionally; and repeated comic verses with such humorous and apt expression, that I have often told him, I was convinced, had a troop of comedians visited his native place before he conceived his decided predilection for painting, that he would have been an actor instead of a

painter ; and probably would in time have been, in some kinds of comedy, at the head of his profession. He had also no inconsiderable power of mimicry : but as in the rainbow all the colours of the prism are assembled at once, though the brightest and deepest only are distinctly visible ; so, where there is one distinguished and superior talent, the person thus gifted unites and possesses usually all the rest, though in an inferior degree.

But to go back to his economy and self-denial. They were often such as to make me rashly imagine them to be wholly unnecessary : still, I respected so highly his motives for the privations to which he subjected both me and himself, that for the most part I submitted to them cheerfully, looking forward with a hope (which was not disappointed) that the time would come when our circumstances would allow us to have more of the comforts and elegancies of life, and to receive our friends in a manner more suited to the esteem which we entertained for them. The time *did* come ; but, unfortunately, it came *too late*. Mr. Opie was conscious that he had nearly realized the sum so long desired. I was allowed to make the long-projected alterations and improvements in my own apartments, and he had resolved to indulge himself, as he called it, in the luxury of keeping a horse. You may remember, my dear Sir, that when he had given over lecturing for the season, and you were requesting him to write a paper for *The Artist* against a given time, he replied that he was tired of writing, that he would be a gentleman during the spring months, keep a horse, and ride out every evening. The *next* time you saw him, he was on a sick couch, and the object of affectionate solicitude to all who surrounded him ! He lived not to enjoy the independence which he had so virtuously toiled to obtain ; but was cut off in the prime of every possession and expectation, and in that year both of his married life and mine, which I can with truth aver was the most prosperous and the most happy !

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FROM THE UNIVERSAL MAGAZINE.

Particulars of the Pearl Fishery in the Bay of Condatschy.

*Translated from the French Account of a Voyage to Ceylon, performed between the Years 1790 and 1800.*

THE Island of Ceylon affords no greater curiosity to an European, than a view of this bay, during the pearl fishery. This arid desert then presents a scene of such variety, that I cannot say I have ever seen any thing that can be compared to it. The



confluence of many thousands of individuals of all colours incessantly passing and repassing—the great number of tents and huts erected upon the shores, each of which has its shop—the multitude of barks that return in the afternoon from the fishery, many of them loaded with riches—the anxiety painted upon the faces of the owners at the time when the barks are nearing the shore—the haste with which they approach them in hopes of finding a valuable cargo—the prodigious number of jewellers, brokers, and merchants, of all nations and all colours, both natives and foreigners, all engaged about pearls, some separating and assorting, some weighing, some examining the number and value, and some perforating them,—all these details united, make a very lively impression upon the spectators.

The first object, before the fishery commences, is to examine the various oyster banks, and the state of the oysters, and to make a report to government accordingly. If the quantity is then supposed to be sufficient, and that they are come to a proper degree of maturity, the banks upon which the oysters are to be found are put up to auction, and some black is commonly the auctioneer; but sometimes the government think proper to cause the fishery to be carried on upon their own account, and afterwards, likewise, to sell the pearls to the merchants.

The pearl fishery begins in the month of February, and terminates early in April. Six weeks, or two months at most, is the time fixed by the merchants for this operation. All the barks being assembled in the bay of Condatschy, from hence they depart and return together every day.—As the signal for sailing, a gun is fired about six o'clock, and the fleet gets under sail with a sea breeze. It arrives at the banks before day-break, and at sunrise the divers begin diving. This continues without intermission till the breeze which springs up towards the south gives the signal for the barks to return to the bay.—The return is announced to the proprietors by the firing of another gun, who are in continual agitation till this takes place. The moment they arrive, the cargo is brought on shore, as it is necessary the whole of them should be unloaded before night.—But, however bad their success may have been, the proprietors very rarely betray any marks of dissatisfaction, as they always flatter themselves with being more successful another time.

Each bark carries twenty men, and a *tindal*, or master, who acts as pilot. Ten of the crew are attached to the oars, and assist the divers in coming up again. The divers descend five at a time, and when the first five are up the others replace them, diving alternately, merely taking time just sufficient to renew their breath.

To hasten the descent of the divers, the following means are

used: They bring five large pieces of reddish granite stone on board, common in this country, which, though rounded at both extremities, are still of a pyramidical form—a hole is made through the smallest part of them, sufficient to pass a cord. In order to have their feet at liberty, some divers make use of a stone, cut in the form of a half moon; and these stones they tie round their waist, or below the belly, when they enter into the water.

Accustomed to this exercise from their earliest infancy, the divers are not afraid to dive from four to ten fathom. When either of the divers is upon the point of going down, he siezes with the toes of his right foot the cord attached to one of the stones just described, while upon those of the left foot he takes a bag net. All the Indians have the faculty of using their toes with the same facility as their fingers; and, such is the force of habit, that with their toes only, they can bring up the smallest object whatever from the bottom with as much ease as an European would with the use of his fingers.

The diver, being thus prepared, takes another cord in his right hand, and, closing his nostrils with the left, descends into the ocean, to the bottom of which he is rapidly drawn by the stone. He then gets the bag net from his neck before him, and, with as much promptitude as address, he collects as large a number of oysters as possible during the space of time he remains under water; which is, generally speaking, about two minutes. Afterwards, regaining his first position, he gives the signal for assistance, by pulling the cord that he holds in his left hand.

By these means he is up again in a moment, and is received into the bark. As to the stone which is left at the bottom, that is drawn up by means of the cord to which it is attached.

The efforts made by the divers during this operation are so violent, that when they come up, they throw up water, and sometimes even blood, from their mouths, their ears, and their nostrils. This, however, does not prevent them from diving again when it comes to their turn. They frequently dive from forty to fifty times in a day, and bring up a hundred oysters each time. Some of them rub their bodies with oil, and stop up their ears and nostrils to keep out the water: others do not use any precaution whatever.

But, though in general they do not remain more than two minutes at the bottom of the sea, there are some who can stay four or five minutes, which, says the writer, I have seen by a young Caffre, the last time I assisted in the pearl fishery. No person was ever known to have remained longer under water, excepting a diver who came from Anjango in 1797, and he staid there six minutes.



Thanks to the suppleness of the limbs of the Indians, and the habit they have contracted from their infancy this exercise, which an European considers so painful and dangerous, is extremely familiar to them. What they fear the most, is to meet with a shark, whilst they are at the bottom. This terrible creature is common in the seas that lave the coasts of India, and is the object of continual alarm to those who venture into the water. Some divers, however, have the address to evade the shark, though they still continue their time underneath. But the terror which they generally labour under is so permanent, and the certainty of escape so weak, that, guided by superstition, they have recourse to supernatural means to secure themselves from an enemy so formidable.

Before they dive, they seldom fail to consult a conjuror, or an exorcist, and they implicitly believe whatever he tells them. According to the cast and the sect to which the diver belongs, various preparatory ceremonies are prescribed, in the exact performance of which they place a confidence, which nothing can weaken. Their credulity is always the same, though the event should turn out in direct opposition to the predictions of the impostor.

The appearance of a single shark is enough to spread terror among the divers. This they communicate to their comrades of the other barks, when their terror is generally so great, that they return to the bay, and refuse to fish any more for the rest of the day. Sometimes all this alarm is caused by nothing more than one of the divers cutting his foot by treading upon a sharp stone; but as the business of the fishery suffers considerably by these false alarms, the fact is rigidly inquired into; and if any fraud is discovered, the authors are severely punished.

During the time the barks are returning to the bay, the proprietors are exposed to the chance of losing a number of their finest pearls. When the oysters are left in a state of rest for any time, they frequently open of themselves; and then a fine pearl is easily discovered, by thrusting any small substance between the shells to keep them open. After this, the theft is not difficult to commit, and particularly among those who are employed to search the oyster for pearls. But when the proprietors suppose this to have been the fact, they put the offenders under close confinement, and give them strong emetics and cathartics, by which they frequently recover the objects of research.

Being landed, the oysters are carried away by those persons to whom they belong, and deposited in pits about two feet deep. They are sometimes placed in small squares, enclosed in with rails, each merchant having his particular division. A mat being spread upon the ground to prevent the oysters from touching it, they are then suffered to putrify. After this they are dried,

and then they may be opened without running any risque of damaging the pearls, which would infallibly be the case if they were to be taken from the oysters whilst they are fresh. When the shells are divided, the oysters are attentively examined, and they are sometimes boiled because the pearl commonly found in the shell is often enclosed in the body of the oyster.

The bad smell occasioned by the oysters when in a state of putrefaction, is often insupportable, and continues a long time after the fishery, extending several miles about Condatschy, rendering the whole country the most disagreeable and unwholesome, till the setting in of the monsoons purifies the air. This unwholesome air, however, does not repress those persons actuated by the love of gain; for, several months after the fishing season is over, a number of individuals may be seen walking about with their eyes fixed to the ground, and searching every spot where the oysters have been in a state of putrefaction. Very frequently some of these have the good fortune to find a pearl, which amply rewards them for their pains. In the year 1797, a man of the lowest class discovered one of very great value, which he disposed of for a considerable sum.

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FROM THE LA BELLE ASSEMBLEE.

ANECDOTES COLLECTED FROM THE PRIVATE LIFE OF PETER  
THE GREAT, EMPEROR OF RUSSIA.

PETER died, as he had lived, a great man! Every circumstance of his malady, and the cause of his death could only appertain to an extraordinary personage. A too frequent use of strong liquors had occasioned a violent pain in the neck of the bladder; and he could not bring himself to disclose the nature of his disorder. This conqueror, this intrepid warrior, who had so often confronted death at the head of his armies, could not conquer a false delicacy: it cost him his life. It is certain that had he discovered his malady from the beginning, he might have lived thirty years longer; he was of a strong constitution, and this disorder, in its commencement, was a thing of no consequence.

This childish timidity, this species of innocence and modesty,\*

\* He was modest, in two senses; and modesty and simplicity were, at that time, the accompaniments of great minds. I knew only the Marechal Villars, who was an exception to this rule. After a long succession of military glory and brilliant actions, he might have aspired to the title of a great man, if he had not sounded his own praises; ever boasting, he spoke of only his own merits and services, and had all the vanity of a man risen from nothing.



is certainly one of the properties of genius ; and it is a principle attached to great men to wish to conceal their weakness from the world ; but which too often gives us cause of sorrow, as in the present instance, for the fatal consequences which may ensue.

Thirty years longer of life, from the energy given by Peter to the nation, would have rendered it much more strong and complete : he saw, under his reign, that revolution which he had prepared, almost entirely accomplished. What good did he not perform for Russia ? What long rooted abuses did he not destroy ? What wonderful establishments did he not make ? In a painful disorder, he took, like a timid child, in a private manner, and as if by stealth, the medicines of an empiric, brought him by one of his valets, and who, according to the state he was in, promised to cure him ! He continued these remedies, and the disorder increased : vanquished, at last, by extreme pain, he had recourse to physicians. Doctors Blumenstorf and Bredlow, made use of ordinary methods, which might have succeeded in the commencement : but an inflammation having taken place, their cares were insufficient ; the evil was irremediable.

After undergoing some operations, he was in a fair way of recovery, but his cure was not yet established—he became impatient ; this active being had not learnt to endure sickness, and he suffered from his confinement, as much as from his disorder : he went to visit the works of the canal at Ladoga ; a great undertaking, conducted and directed by the Count of Munich ; from thence he went to view the armories, the salt works, and forges ; all those establishments created by himself, the fruits of his genius, and the information he had gained by his travels. It was at the latter part of the year, in the month of October, already very severe in the climate of Russia, he went by water, his favourite way of travelling, the cold seized him, and he felt it. The physician advised him to return immediately to Petersburg ; he was not yet ill, but he expected to become so. An honourable cause, worthy of his great soul, the cause of humanity, caused his relapse.

He returned by the Achta ; he saw a boat upset, and the sailors in danger of perishing, were struggling against the waves : he sent some of his crew to their assistance ; they were unsuccessful, not being quick enough. Peter followed all their movements with his eye ; his generous heart beat for the wretched, helpless beings ; he could restrain himself no longer ; he ordered his yacht to advance, he plunged into the water, and hastened to succour the unfortunate ! his strength and his lofty stature rendered him fit for an enterprise of this kind ; he saved, and dragged all these sailors out of the water ! But he felt the cold and

damp had deeply penetrated his body, though he was free from pain. When he arrived at Petersburg he had a fatal relapse, a gangrene had taken place in the part affected, and he died at the age of fifty-three years.

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#### THE ORIGINAL BLUE BEARD.

AS this extraordinary personage has long been the theme, not only of children's early study and terror, and as no afterpiece had ever a greater run than that splendid and popular musical entertainment which bears the title of Blue Beard, our readers will, no doubt, be gratified in perusing the character of that being, who really existed, and who was distinguished, in horror and derision, by that appellation.

He was the famous Gilles, Marquis de Laval, a Marshal of France, and a general of uncommon intrepidity, and greatly distinguished himself in the reigns of Charles the VI. and VII. by his courage; particularly against the English, when they invaded France. He rendered those services to his country which were sufficient to immortalize his name had he not for ever tarnished his glory by the most horrible and cruel murders, blasphemies, and licentiousness of every kind. His revenues were princely, but his prodigality was sufficient to render an Emperor a bankrupt. Wherever he went he had in his suite a seraglio, a company of players, a band of musicians, a society of sorcerers, an almost incredible number of cooks, packs of dogs of various kinds, and above two hundred led horses: Mezeray, an author of the highest repute, says, that he encouraged and maintained men who called themselves sorcerers, to discover hidden treasures, and corrupted young persons of both sexes to attach themselves to him, and afterwards killed them for the sake of their blood, which was requisite to form his charms and incantations. These horrid excesses may be believed, when we reflect on the age of ignorance and barbarity in which they were, certainly, but too often practised. He was, at length, for a state crime against the Duke of Brittany, sentenced to be burnt alive in a field at Nantes 1440; but the Duke of Brittany, who was present at his execution, so far mitigated the sentence, that he was first strangled, then burnt, and his ashes buried. Though he was descended from one of the most illustrious families in France, he declared, previous to his death, that all his horrible excesses were owing to his wretched education.



## FROM THE EUROPEAN MAGAZINE.

Particulars of the horrible imprisonment of the English in the Black Hole,  
after the capture of Calcutta by storm, in June 1756.

AT five the Nabob entered the fort, accompanied by his general Meer Jaffier, and most of the principal officers of his army. He immediately ordered Omichund and Kissendass to be brought before him, and received them with civility; and having bid some officers to go and take possession of the Company's treasury, he proceeded to the principal apartment of the factory, where he sat in state, and received the compliments of his court and attendants in magnificent expressions of his prowess and good fortune. Soon after he sent for Mr. Holwell, to whom he expressed much resentment at the presumption of the English in daring to defend the fort, and much dissatisfaction at the smallness of the sum found in the treasury, which did not exceed 50,000 rupees.

Mr. Holwell returning to his unfortunate companions, found them assembled, and surrounded by a strong guard. Several buildings on the north and south sides of the fort were already in flames, which approached with so thick a smoke on either hand, that the prisoners imagined their enemies had caused this conflagration, in order to suffocate them between the two fires. On each side of the eastern gate of the fort, extended a range of chambers adjoining to the curtain; and before the chambers a varanda, or open gallery: it was of arched masonry, and intended to shelter the soldiers from the sun and rain, but, being low, almost totally obstructed the chambers behind from the light and air; and whilst some of the guard were looking in other parts of the factory for proper places to confine the prisoners during the night, the rest ordered them to assemble in ranks under the varanda on the right hand of the gateway, where they remained for some time with so little suspicion of their impending fate, that they laughed among themselves at the seeming oddity of this disposition, and amused themselves with conjecturing what they should next be ordered to do. About 8 o'clock, those who had been sent to examine the rooms, reported that they had found none fit for the purpose. On which the principal officer commanded the prisoners to go into one of the rooms which stood behind them along the varanda. It was the common dungeon of the garrison, who used to call it, *The Black Hole*. Many of the prisoners knowing the place, began to expostulate; upon which the officer ordered his men to cut down those who hesitated; on which the prisoners obeyed. But, before all were within, the room was so

thronged, that the last entered with difficulty. The guard immediately closed and locked the door; confining 146 persons in a room not twenty feet square, with only two small windows, and these obstructed by the varanda.

It was the hottest season of the year; and the night uncommonly sultry, even at this season. The excessive pressure of their bodies against one another, and the intolerable heat which prevailed as soon as the door was shut, convinced the prisoners that it was impossible to live through the night in this horrible confinement; and violent attempts were immediately made to force the door, but without effect, for it opened inward; on which many began to give a loose to rage. Mr. Holwell, who had placed himself at one of the windows, exhorted them to remain composed both in body and mind, as the only means of surviving the night, and his remonstrances produced a short interval of quiet; during which he applied to an old Jemautdar, who bore some marks of humanity in his countenance, promising to give him a thousand rupees in the morning, if he would separate the prisoners into two chambers. The old man went to try, but returning in a few minutes, said it was impossible; when Mr. Holwell offered him a larger sum; on which he retired once more, and returned with the fatal sentence, that no relief could be expected, because the Nabob was asleep, and no one dared to wake him.

In the mean time, every minute had increased their sufferings. The first effect of their confinement was a profuse and continued sweat, which soon produced intolerable thirst, succeeded by excruciating pains in the breast, with difficulty of breathing little short of suffocation. Various means were tried to obtain more room and air. Every one stripped off his clothes; every hat was put in motion; and these methods affording no relief, it was proposed that they should all sit down on their hams at the same time, and, after remaining a little while in this posture, rise all together. This fatal expedient was thrice repeated before they had been confined an hour; and every time, several, unable to rear themselves again, fell, and were trampled to death by their companions. Attempts were again made to force the door, which, failing as before, redoubled their rage; but the thirst increasing, nothing but "Water! water!" became, soon after, the general cry. The good Jemautdar immediately ordered some skins of water to be brought to the windows; but, instead of relief, his benevolence became a more dreadful cause of destruction; for the sight of the water threw every one into such excessive agitations and ravings, that, unable to resist this violent impulse of nature, none could wait to be regularly served, but each, with the utmost ferocity, battled against those who were likely to get it before him; and, in these conflicts, many were



either pressed to death by the efforts of others, or suffocated by their own. This scene, instead of producing compassion in the guard without, only excited their mirth; and they held up lights to the bars, in order to have the diabolical satisfaction of viewing the deplorable contentions of the sufferers within; who, finding it impossible to get any water whilst it was thus furiously disputed, at length suffered those who were nearest to the windows to convey it in their hats to those behind them. It proved no relief either to their thirst, or other sufferings; for the fever increased every moment with the increasing depravity of the air in the dungeon, which had been so often respired, and was saturated with the hot and deleterious effluvia of putrifying bodies; of which the stench was little less than mortal. Before midnight, all who were alive, and had not partaken of the air at the windows, were either in a lethargic stupefaction, or raving with delirium. Every kind of invective and abuse was uttered, in hopes of provoking the guard to put an end to their miseries, by firing into the dungeon; and whilst some were blaspheming their Creator with the frantic execrations of torment in despair, Heaven was implored by others with wild and incoherent prayers; until the weaker, exhausted by these agitations, at length laid down quietly, and expired on the bodies of their dead or agonizing friends. Those who still survived in the inward part of the dungeon, finding that the water had afforded them no relief, made efforts to obtain air, by endeavouring to scramble over the heads of those who stood between them and the windows; where the utmost strength of every one was employed for two hours, either in maintaining his own ground, or in endeavouring to get that of which others were in possession. All regards of compassion and affection were lost, and no one would recede or give way for the relief of another. Faintness, sometimes, gave short pauses of quiet, but the first motion of any one renewed the struggle through all, under which ever and anon, some one sunk to rise no more. At two o'clock, not one more than fifty remained alive. But even this number were too many to partake of the saving air, the contest for which, and life, continued until the morn, long implored, began to break; and, with the hope of relief gave the few survivors a view of the dead. The survivors then at the window, finding that their entreaties could not prevail on the guard to open the door, it occurred to Mr. Cooke, the secretary of the council, that Mr. Holwell, if alive, might have more influence to obtain their relief; and two of the company undertaking the search, discovered him, having still some signs of life; but when they brought him towards the window, every one refused to quit his place, excepting captain Mills, who, with rare generosity, offered to resign his; on which the rest likewise agreed to make room. He had scarcely begun to reco-

ver his senses, before an officer, sent by the Nabob, came and inquired if the English chief survived ; and, soon after, the same man returned with an order to open the prison. The dead were so thronged, and the survivors had so little strength remaining, that they were employed near half an hour in removing the bodies which lay against the door, before they could clear a passage to go out one at a time ; when, of one hundred and forty-six who went in, no more than twenty-three came out alive, the ghastliest forms that ever were seen alive. The Nabob's troops beheld them, and the havock of death from which they had escaped, with indifference ; but did not prevent them from removing to a distance, and were immediately obliged, by the intolerable stench, to clear the dungeon, whilst others dug a ditch, on the outside of the fort, into which all the dead bodies were promiscuously thrown.

Mr. Holwell, unable to stand, was, soon after, carried to the Nabob, who was so far from shewing any compassion for his condition, or remorse for the death of the other prisoners, that he only talked of the treasures which the English had buried ; and, threatening him with farther injuries, if he persisted in concealing them, ordered him to be kept a prisoner. The officers to whose charge he was delivered put him into fetters, together with Messrs. Court and Walcot, who were likewise supposed to know something of the treasures ; the rest of the survivors, amongst whom were Messrs. Cooke and Mills, were told they might go where they pleased ; but an English woman, the only one of her sex amongst the sufferers, was reserved for the seraglio of the general, Meer Jaffier. The dread of remaining any longer within the reach of such barbarians, determined most of them to remove immediately, as far as their strength enabled them, from the fort, and most tended towards the vessels, which were still in sight ; but when they reached Govindpore, in the southern part of the Company's bounds, they were informed that guards were stationed to prevent any persons from passing to the vessels ; on which most of them took shelter in deserted huts, where some of the natives, who had served the English in different employments, came and administered to their immediate wants. Two or three, however, ventured, and got to the vessels before sun-set. Their appearance, and the dreadful tale they had to tell, were the severest of reproaches to those on board, who, intent only on their own preservation, had made no efforts to facilitate the escape of the rest of the garrison ; never, perhaps, was such an opportunity of performing an heroic action so ignominiously neglected : for a single sloop, with 15 brave men on board, might, in spite of all the efforts of the enemy, have come up, and, anchoring under the fort, have carried away all who suffered in the dungeon.



## MISCELLANEOUS.

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*French Empire.*—The following extract from the *Journal de Paris*, may be regarded as an official expose of the military and naval strength of the empire:

“If we take a view of the French empire, we see that it to day offers a development of forces, perhaps, unexampled. At the moment, when near 500,000 men are marching from Hamburgh, the Wesel, Mayence, Verona, Munich, Dresden, and Berlin, to take a position upon the Oder and the Vistula, whilst 50,000 men form camps of reserve for the protection of the coasts of France, Italy, the kingdom of Naples, and the Illyrian provinces, and that six armies, amounting to nearly 300,000 men, are in the peninsula, fifty battalions are in march from different points, to replace, in Spain, seven or eight regiments, which have been recalled, and some detachments of the Imperial Guard, 6000 cavalry, have set out from the depots to reinforce that same army, and all this is done without effort, without extraordinary means, without bustle. At the same time, considerable fleets are equipped and armed; several vessels will, in the course of the summer, be completed in Toulon; several are constructing at Venice, one has been launched at Genoa, many others are upon the stocks at Amsterdam, Rotterdam, Antwerp, Cherbourg, and Rochefort. The funds to be appropriated to ships, roads, canals, bridges, new basins, and dock-yards, are, as we are assured, more considerable than those of last year: the construction of a new basin at the mouth of the Loire is talked of: the road from Hamburgh to Wesel will, this year, be finished: thus a route of more than 80 leagues, costing more than ten millions, will have been finished in less than two years. The road from Amsterdam to Antwerp occupies three depots of workmen; six of the same are employed upon that which coasts the Mediterranean from Nice to Rome; that from Parma to Spezzia. The causeway from Bourdeaux to Bayonne, across Les Landes, will be finished this season. Roads, which will cross the Berre in different directions, are, it is said, in contemplation, and the establishing of a direct communication with Saragossa, by travelling the Pyrenees at a great number of points. The basin of Flushing will be completely finished before the month of June; thirty vessels, completely armed, will be able to enter it, an advantage which the old basin did not possess, in which ships could not enter without having their guns taken out. This year the Elbe has been sounded, and understood; that

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river possesses similar advantages to those possessed by the Scheldt; it has fine harbours, basins, and an arsenal for building will be established there. The works of the strong fortresses are pursued with equal activity. Three forts have been constructed at the Helder; forts Morlando, Dugemmu, and Lasalle, are entirely completed, and covered by inundations. Batteries defend the passage of the Helder, and protect the squadron. A basin and a maritime establishment have been decreed, and will be commenced this year. Already would three months' open trenches be required to take the Helder, that key of the Zuiderzee and Holland."

*Massacre at Valencia.*—It may be recollected, that Suchet, in one of his despatches relative to the fall of Valencia, accused Mr. Tupper, the British consul in that city, of having encouraged the assassination of the French residents in the place, 325 in number! Mr. T. has published a vindication of himself from this horrible charge, and gives the following as a true narrative of his proceedings during the massacre.

"A canon of the church of St. Isidro, of Madrid, headed a faction which was composed of men of the vilest characters. They had all been guilty either of murder, or of other great crimes, for which some of them had been condemned to hard labour for life, and others to perpetual imprisonment. They were, however, unlawfully set at liberty; and placing themselves under the guidance of their chief, they took possession of the citadel of Valencia in the month of June, 1808. They then declared void the authority of the Supreme Junta, of which I was a member; but its sittings were nevertheless continued.—Before this faction got into power, the French residents had taken refuge in the citadel, and were then protected by the Junta: but as soon as the canon and his party had possessed themselves of the place, these unfortunate refugees fell victims to their sanguinary views. During the night of the 4th of June, about 150 of these miserable men were most savagely butchered; and the next morning 175 others were ordered, by the infamous canon, to be chained together, and marched out into the open fields, where they were all murdered by a dozen men belonging to this band of assassins, and who were sent there for the express purpose.

"As soon as I was informed of their barbarous intention, I hastened to the spot, to endeavour to prevent this bloody work, or at least to lessen the number of victims; but all my exertions were in vain. In the mean time the city was one general scene of blood and anarchy; the assassins every where committed the vilest depredations, and being guilty of the most inhuman murders. The French consul, Lacrusse, was now diligently sought for. I wrote to him, however, at the risk of my life, and offered him my house and my protection, of which he gratefully accepted, and thus he escaped from his blood-thirsty pursuers. His fate was in my hands; but still, at the farther hazard of my own safety, I kept him concealed for many days, until I had an opportunity of conveying him down to the sea side, and embarking him for France, on board an English vessel, with about 60



others of his countrymen, whom Providence had also made me instrumental in saving from the murderous knife of the barbarians. Their audacity had at last become so great, that they even brought five unfortunate and respectable Frenchmen in the hall of the Junta, during one of its sittings, and there murdered them. On this occasion I was the only member who at first ventured to oppose these ruffians, but I was soon seconded by Padre Rico. I sprang from my seat, and placing myself between the devoted victims and their murderers, I endeavoured to appease their rage; but that endeavour was fruitless, and I was nearly assassinated myself. An arm was even lifted to murder me, but the blow that was aimed at me was providentially intercepted in its fall. About this time also, and while the French consul still remained secretly under my protection, my house was repeatedly attacked by the assassins; but with the assistance of a few friends, I successfully opposed their entrance, and ultimately succeeded in gaining over several of this sanguinary band. One day I had likewise the good fortune to get about 30 of them together in the market-place. These men, fully armed, accustomed to murder, and ripe for further crimes, formed a ring round me, and I addressed them for a considerable time. I forgot that the men whose cause I was pleading were Frenchmen; I forgot also my own danger: humanity alone was the motive that prompted me; and by means of promises and money, I succeeded in appeasing the fury of the most savage and brutal of men. Many of them were even brought over to my party; and from that day the streams of blood that had been witnessed for some time in the unfortunate city of Valencia, ceased to flow.

"Soon after this, the Junta recovered its full authority. The chief of this bloody plot was arrested, tried by the Junta, found guilty of assassination, and executed with about 90 of his accomplices, and I must also add, that I was one among the most active in bringing them to punishment.

"Such was my conduct during the whole of this unhappy business; and such too, as I would again observe, if unfortunately I should again be exposed to witness the massacre of any peaceful citizens.

"If Marshal Suchet was in possession of the above facts, when he accused me of having participated in the guilt of those assassins, who might have escaped the punishment due to their crimes, then his charge is most ungenerous and base; and if he was not acquainted with those facts, he ought at least to have shown some ground on which to bring forward so serious an accusation, although against an enemy.

"P. LAREY TUPPER."

*Syrup from Chesnuts.*—Naples, February 29. The syrup from chesnuts, which during a few days lately has been exposed to sale in this city, is so perfect as to make us no longer think of the best grape syrup. It is infinitely *sweeter* for sherbets, lemonade, and all culinary purposes. The manufacturers are now intent on extracting sugar from this syrup.

*Earthquakes.*—Rome, March 22. This morning about three o'clock, a shock of an earthquake, the strongest of any felt in Italy for a considerable length of time, was experienced in this city, it lasted about 25 seconds, and was accompanied with a noise resembling that of thunder: the movement was in the direction of nearly from north to south. The heavens were serene, the sea was calm, and the temperature moderate. The atmosphere was afterwards charged with black clouds. Almost all the buildings suffered more or less. A woman died of fright, and a country house fell, and buried in its ruins two children and their father.

Recent advices received from the Mediterranean state, that severe shocks of an earthquake had been felt at Smyrna, which did great mischief.

*Improvements.*—Letters from New South Wales of May 20, state, that great improvements have taken place in that colony since the accession of colonel Macquarrie to the government. The large town of Sydney is now planned and laid out in regular streets, and divided into districts, with head-boroughs, sub-constables, watchmen, &c.—D'Arcy Wentworth has been appointed to the head of the police. Five townships have been laid out on the Hawkesbury and George rivers. The roads from Sydney to Paramatta and Hawkesbury, which were scarcely passable, have been repaired, bridges thrown over the small streams, and turnpikes established. Butcher's meat was from 1s. to 1s. 3d. per lb. and the supply of the colony equal to its consumption. Wool was likely to be the first staple of commerce. Settlers of good character were furnished with live stock, from the government stores, on consideration of paying the value, in money or grain, in eighteen months. The population of Sydney is estimated at 10,000 souls, of which number 8000 have been sent from England as convicts.

*Mount Caucasus explored.*—Petersburgh, March 12. Two learned travellers, Messrs. Engelhardt and Parrot, are returned from a journey they made to Mount Caucasus, and are arrived at Dorpat. They have employed the course of a complete year in examining by barometrical observations the general levels of the countries between the Caspian and the Black Sea; in order to determine with precision which of those bodies of water is the higher. The solution of that problem will result from the combination of their observations, when they are properly put in order. This is not a question of pure curiosity interesting only to the learned: it will be applied to determine the courses of canals of communication between those two seas.—These travellers have accomplished a still more difficult enterprise: they have visited the very summit of the Kasbeck, a spire, the point of which is the highest of the whole chain of Caucasus, without excepting even Ell-Rouss. There was not before this exploit any estimate formed which approached the real height of this peak; and it results from their observations, that the perpendicular elevation of this mountain equals, if it does not exceed, that of the famous Mont Blanc.



Among the discoveries made by these travellers, in countries never before visited by the human foot, may be reckoned the sources of the river Terek; and the sacred places where the Ingouschs perform their religious ceremonies on the summit of the mountain Ossay. This journey is particularly distinguished by observations on geography and mineralogy, with which M. Engelhart proposes soon to enrich those branches of science.

*Avalanches.*—Berne, February 19. At St. Bernard, last week, an avalanche of snow carried with it a transport of *sixty* horses and their drivers into the vale beneath.

Basle, March 15. We have received from the country of the Grisons, very lately, fresh details of the lamentable and fatal events that have resulted from various avalanches in that country, and its neighbourhood. During the 15th, 16th, and 17th of February, there were no less than *nine* between Martinsbruck and Finsternunz. In the lower Engadine, the roads and communications were obstructed during ten days. Very extensive masses of snow which no longer adhered to the ancient covering of ice, have been detached from the crests or sides of the mountains. An enormous avalanche fell near to Zernex; another near to Guarda; a third at Plata-Mala. On the 16th and 17th there were two, which damaged various buildings at Fettan; a village of which part had already been swept away by a previous avalanche, and the other part soon afterwards consumed by fire!

We learn from Hanz, in the Upper line, still more disastrous particulars. An avalanche *half a league in length*, overwhelmed in its course *eighty* buildings for cattle, cow-houses, &c. with great stores of hay, and *two hundred and fifty* beasts of various kinds; also in the neighbourhood a mill for grinding corn, a saw mill, and three dwelling houses. Prompt assistance saved the inhabitants, who were extracted alive from this devouring tomb. Many cattle-houses were also destroyed at Lombrein and at Vrins. In the latter place two men were happily saved.

At Sassien, in the moment when a herdsman was carrying from one part of a cattle-house to another, the milk that he had procured from his cows a few moments before, an avalanche carried away the building, with seven cows; the man remained unhurt, by a kind of miracle, neither were his milk pails so much as upset. At Saint Antoine de Schorin, a herdsman perished with seven horned cattle. An avalanche swept down two stables from the habitation; and lower down on the mountain, it carried off a man and two cows; the man happily did not perish.

*Pilgrimage to Mecca.*—Constantinople, February 10. Preparations are making here for resuming the caravan of pilgrims to Mecca. During several years, that is to say, while the Wehabees have prevailed in Arabia, that holy duty has been intermitted, and no caravan has been conducted to the sacred city. The devout mussulmans await impatiently the moment when they may set out to behold the tomb of the prophet. Suleyman Pacha, formerly silindar to sultan Selim, and

now appointed governor of Damascus, is named to conduct the first caravan. He is making preparations for his departure; his predecessor in that government is going to St. John of Acre; to which government he is recently appointed.

*Freezing Quicksilver.*—Professor Leslie has succeeded in freezing quicksilver by his frigorific process. This remarkable experiment was performed in the shop of Mr. Adie, optician, with an air pump of a new and improved construction, made by that skilful artist. A wide thermometer tube, with a large bulb, was filled with mercury, and attached to a rod passing through a collar of leathers, from the top of a cylindrical receiver. This receiver, which was seven inches wide, covered a deep flat bason of nearly the same width, and containing sulphuric acid, in the midst of which was placed an egg-cup half full of water. The inclosed air being reduced by the working of the pump to the 50th part, the bulb was repeatedly dipt in the water, and again exposed to evaporation, till it became incrustated with a coat of ice about the 20th of an inch thick. The cup, with its water still unfrozen, was then removed, and the apparatus replaced, the coated bulb being pushed down to less than an inch from the surface of the sulphuric acid. On exhausting the receiver again, and continuing the operation, the icy crust at length started into divided fissures, owing probably to its being more contracted by the intense cold than the glass which it invested; and the mercury, having gradually descended in the thermometer tube till it reached the point of congelation, suddenly sunk almost into the bulb, the gage standing at the 20th of an inch, and the included air being thus rarefied about 600 times. After a few minutes, the apparatus being removed, and the bulb broken, the quicksilver appeared a solid mass which bore the stroke of a hammer.

*Stramonium.*—The last Medical Journal contains the following case of the good effects of stramonium in asthma. Mr. J. C. a medical gentleman, 42 years of age, of middle stature and full habit, had been afflicted with a cough and difficulty of breathing for several years. About four years ago he was attacked with distinct paroxysms of asthma, which came on in the usual manner and progressively increased, so much so that he could not lie down without the greatest dread of suffocation. This fit continued three or four weeks and then left him. In a few months it again attacked him, and for three years afterwards he had regular paroxysms, with great difficulty of respiration in the intervals. During this time he took various medicines suggested both by himself and numerous physicians of eminence; and in short, during three years, made an adequate trial of every article in the Materia Medica recommended for this complaint, but without deriving the least benefit. About twelve months ago, during a violent paroxysm, he commenced smoking the stramonium, and after using one pipe-full, found the symptoms wonderfully relieved, and by repeating it once or twice a day, the paroxysm entirely subsided. He is now occasionally attacked in the night, but by rising and smoking



one pipe of the stramonium the difficulty of breathing generally ceases immediately, and when this is not the case, he is so much relieved that he can lie down and sleep with comparative comfort. Since he first had recourse to this remedy, he has had no regular fit of asthma; and his breathing gets so much better, that he is of opinion that by perseverance in the remedy he shall entirely recover. It does not affect his stomach, nor his head, but seems entirely to act on the organs of respiration.\*

*M. F. Keienlin.*—M. F. Keienlin, in his miscellaneous works, states that Marianne Fisher, aged 24 years, who was under the care of Dr. Heini, in the Hospital at Friburgh, from the month of January to December 1811, discharged one frog, three small cray-fish, fifty-two leeches, and eight worms, from the stomach. Dr. Heini, attributed the cause to the waters of a marsh, which this young woman frequently drank in the previous month of August.

*Counsellor Graser.*—Counsellor Graser has, by order of his Bavarian majesty, made an experiment with the greatest success, on some young recruits, of his method of teaching children, or adults, to read and write in the course of a month. Before the end of a month, these young scholars, who before did not know a letter, learned to write correctly, and read every thing presented to them.

*Italy.*—In July last, the skeleton of a man, ten feet three inches high, was dug up in the valley of Mazara, in Sicily. Human skeletons, of gigantic size, have heretofore been found in the same spot.

*Medal bestowed: linseed oil improved.*—Russia. The medal destined to recompense useful labours has been granted to two dealers and a countryman, who have discovered a *preparation of linseed oil, by which it is fitted for burning, instead of olive oil*: it has neither smoke, nor any other inconvenient property.

\* The public should be guarded against the use of adulterations of stramonium, the efficacy of which in its simple state is clearly ascertained.

# POETRY.

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FROM THE BRITISH CRITIC.

*To \* \* \*, by Lord Byron.*

" OH Lady! when I left the shore,  
The distant shore, which gave me birth,  
I hardly thought to grieve once more,  
To quit another spot on earth:  
Yet here amidst this barren isle,  
Where panting Nature droops the head,  
Where only thou art seen to smile,  
I view my parting hour with dread.  
Though far from Albin's craggy shore,  
Divided by the dark-blue main;  
A few, brief, rolling seasons o'er,  
Perchance I view her cliffs again:  
But wheresoe'er I now may roam,  
Through scorching clime, and varied sea,  
Though Time restore me to my home,  
I ne'er shall bend mine eyes on thee.  
On thee, in whom at once conspire  
All charms which heedless hearts can move  
Whom but to see is to admire,  
And, oh! forgive the word—to love.  
Forgive the word, in one who ne'er  
With such a word can more offend;  
And since thy heart I cannot share,  
Believe me, what I am, thy Friend.  
And who so cold as look on thee,  
Thou lovely wand'rer, and be less?  
Nor be, what man should ever be,  
The friend of Beauty in distress!  
Ah! who would think that form had pass'd  
Through Danger's most destructive path,  
Had brav'd the death-wing'd tempest's blast  
And scap'd a tyrant's fiercer wrath?  
Lady! when I shall view the walls  
Where free Byzantium once arose;  
And Stamboul's Oriental halls  
The Turkish tyrants now enclose;  
Though mightiest in the lists of fame,  
That glorious city still shall be;  
On me 'twill hold a dearer claim,  
As spot of thy nativity:  
And though I bid thee now farewell,  
When I behold that wond'rous scene;  
Since where thou art, I may not dwell,  
'Till sooth to be, where thou hast been.



FROM THE SPORTING MAGAZINE.

## ANACREONTIC.

MARK the busy, sportive bee,  
 Humming, festive, thirsty thing;  
 Every pregnant herb and tree,  
 Gives a welcome to his wing.  
 Roving wild, on wanton pinion,  
 Round the Summer's gay dominion,  
 Draining with insatiate power,  
 Mellow bev'rage from each flow'r.

Lo! those very flow'rs themselves,  
 Tipping all the long night thro';  
 Jolly little, social elves,  
 Grasping each his can of dew,  
 Pledging quick, and gaily quaffing,  
 'Mid the fragrant frolic laughing;  
 'Till the Pow'r that paints the dawn,  
 Peeps upon the reeling lawn.

Nay, behold that very Sun,  
 'Bibing thro' a thousand rills;  
 Every toast consumes a tun;  
 How the broad-fac'd toper swills!  
 Look, thou staid, phlegmatic stripping,  
 He's the prototype of tippling!  
 Seize the grape, unlock the soul,  
 Nature bids us drain the bowl!

FROM THE EUROPEAN MAGAZINE.

## ANACREON'S THIRD ODE ON LOVE.

*Translated and imitated, 1801.*

DECEMBER last, one stormy night,  
 When ev'ry labour-weary'd wight  
 Had long to rest retir'd;  
 As in sweet slumbers hush'd I lay,  
 Wearing the midnight hour away  
 In dreams which health inspir'd:—

When ceas'd had ev'ry earthly tone,  
 Save the dull, melancholy moan,  
 Wolves, owls, or crickets make:—  
 When *Heav'n itself* was quite bereft  
 Of light,—save when by lightning cleft  
 To shapes that *cowards* shake:—

When heaviest rains did downward pour;  
 Lo! on a sudden, at my door,  
 Loud noise destroy'd my rest!

Unknowing love, with anger fir'd,  
From bed I rush'd, and, unattir'd,  
Quick to the casement press'd—

“Who” (I exclaim'd *with voice austere*)  
“Thus dares attempt intrusion here,  
“At this late hour of night?  
“*What wretch*, more gloomy than the owl,  
“Abroad in tempests likes to prowl,  
“And maids from sleep to fright!”

“Ah, *fair one sweet!*” a voice reply'd,  
Both soft and meekly—“*I'm a child,—*  
“*A little, harmless boy,—*  
“Whom you need *neither fear nor hate* :—  
“I've wander'd from the pathway straight,  
“And with it lost all joy!

“Sent on a message late, I've stray'd,  
“Returning thro' the moonless shade,  
“And wet is my attire—  
“Pray ope your door, *sweet fair* ; and deign,  
“*Till dawn*, to let me shelter gain,  
“And warmth before thy fire!”

So forcibly the urchin pray'd,  
That pity came; and unafraid,  
I promised to comply:  
And, loosely girding on a gown,  
My lamp I lighted, and ran down  
The “latchet to untie.”—

When, of a truth, I saw a child,—  
Of infant stature, aspect mild,  
In rustic *shirt-frock* clad;  
His head unshielded from the skies,—  
Heaven's tears seem'd trickling from his eyes,  
He look'd both cold and sad.

I led him in, and bade him strive  
The dying embers to revive,  
Whilst I set cheer before him;  
And, glad to *shew more eager care*,  
I rubb'd his hands and wrung his hair,  
With palms, *pleas'd to adore him*.

Soon he refresh'd and active seem'd;  
His eyes *with wily archness* gleam'd;  
His thanks *in kisses* flow;—  
*Which suffer'd*, off his frock he flings,  
And on his shoulders shews *Love's wings*,  
His quiver, and his bow!

Alarm'd,—I strove, at first, to fly  
The fraudulent, rambling, *beauteous* boy;  
Then summon'd former pride:  
But Cupid, conscious of the pow'r  
He'd gain'd, within one little hour,  
Each artifice defied.



"Come," said he, (bracing it) "let's try,  
 "If from the bow the dart will fly,  
 "Or if the wet prevents"—  
 And, instant bending it, the dart  
 Struck, as a horsefly, to *my heart*,  
 Which straight to love relents!

Then, laughing loud, the fickle boy  
 Says, "Pretty maid, I wish you joy!  
 "Your scorn was all in vain!  
 "My bow is quite unhurt, I find;  
 "And, if I rightly guess *your mind*,  
 "You'll wish for Love again!"

Fleet as his arrow then he flew  
 To seek some damsel fair and new,  
 And left me to my fate—  
*Alas! his absence still to mourn,*  
*To wish, for ever, he'd return,*  
*But ne'er, alas, to hate!*

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## LITERARY INTELLIGENCE.

### RECENT BRITISH PUBLICATIONS.

Memoirs of the public Life of John Horne Tooke. By W. H. Reid. 1 vol. 12mo.

I says, says I. By Thinks-I-to-myself. 2 vols. 12mo.

Outlines of Natural Philosophy; being Heads of Lectures, delivered in the University of Edinburgh. By John Playfair, professor of Natural Philosophy. 1 vol. 8vo.

The works of Archbishop Secker, with his Life. By the late Bishop Porteus. 6 vols. 8vo.

The Loyalists, a Novel, by Mrs. West. 3 vols. 12mo.

### RECENT AMERICAN PUBLICATIONS.

*By Bradford & Inskeep, Philadelphia.*

The diverting History of John Bull and Brother Jonathan. Price 75 cts.

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A Course of Mathematics, for the Use of Academies, as well as private Tuition. By Charles Hutton, L. L. D. F. R. S. Revised and corrected by Robert Adrian, A. M. Professor of Mathematics in Queen's College, N. J.

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A Map of Canada and seat of war. 1 sheet Medium. Price 50 cts.

*By James Eastburn, New-York, & M. Thomas, Philadelphia.*

Steel's Navy List for June. 75 cts.

#### PROPOSED BRITISH PUBLICATIONS.

A Life of the late John Horne Tooke, by Mr. Stephens. The author has been furnished with several important documents for the work, by Mr. Tooke's executrix.

Professor Stewart, of the E. I. Company's College, is preparing a History of the Kingdom of Bengal, from the earliest period to the conquest of the country by the English in 1757.

Dr. C. Badham, Physician to the Duke of Sussex, is preparing a Translation of Juvenal into English verse.

The Rev. George Crabbe is preparing a volume of Tales, in verse.

In the Press, Clarke's Travels, Part II, containing Greece, Egypt, the Holy Land, &c.

Travels in the Interior of Brazil, by John Mawe. The principal part of this work relates to the interior of Brazil, where no Englishman was ever before permitted to travel, and particularly to the gold and diamond districts, which he investigated by order of the Prince Regent of Brazil.

Speeches of the late William Wyndham, with memoirs of his life, by Thomas Amyott.

Poetical Vagaries, by George Colman, the younger.

#### PROPOSED AMERICAN PUBLICATIONS.

*John F. Watson, Philadelphia,*

Has in the hands of the engravers, Heather's Chart of the Western Ocean, to be published in two months. He intends to offer them on such terms to chart-sellers as may prevent their future importation.

*Daniel Fenton, Trenton.*

The New-Jersey Preacher: being a volume of Sermons on plain and practical subjects, by some of the most popular Ministers of the Gospel residing in New-Jersey. 225 cents bound.

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Also, the Theory of Agreeable Sensations.